

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NOMINEE TO THE SUPREME COURT

PUBLIC

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

Ketanji Brown Jackson (née Ketanji Onyika Brown)

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

Associate Justice, United States Supreme Court

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.

United States Court of Appeals for the District of Columbia Circuit
E. Barrett Prettyman United States Courthouse, Room 5700
333 Constitution Avenue, Northwest
Washington, District of Columbia 20001

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

1970, Washington, District of Columbia

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.

1993 – 1996, Harvard Law School; J.D. (*cum laude*), 1996
1988 – 1992, Harvard University; B.A. (*magna cum laude*), 1992

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.

2021 – Present

United States Court of Appeals for the District of Columbia Circuit
E. Barrett Prettyman United States Courthouse, Room 5700
333 Constitution Avenue, Northwest
Washington, District of Columbia 20001
United States Circuit Judge

2013 – 2021

United States District Court for the District of Columbia
E. Barrett Prettyman United States Courthouse, Room 4423
333 Constitution Avenue, Northwest
Washington, District of Columbia 20001
United States District Judge

2010 – 2014

United States Sentencing Commission
One Columbus Circle, Northeast
Washington, District of Columbia 20002
Vice Chair & Commissioner

2007 – 2010

Morrison & Foerster LLP
2000 Pennsylvania Avenue, Northwest, 6th Floor
Washington, District of Columbia 20006
Of Counsel

2005 – 2007

Office of the Federal Public Defender
625 Indiana Avenue, Northwest
Washington, District of Columbia 20004
Assistant Federal Public Defender

2003 – 2005

United States Sentencing Commission
One Columbus Circle, Northeast
Washington, District of Columbia 20002
Assistant Special Counsel

2002 – 2003

The Feinberg Group, LLP (now known as Feinberg Rozen, LLP)
1455 Pennsylvania Avenue, Northwest
Washington, District of Columbia 20004
Associate

2000 – 2002
Goodwin Procter LLP
Exchange Place
53 State Street
Boston, Massachusetts 02109
Associate

1999 – 2000
Supreme Court of the United States
One First Street, Northeast
Washington, District of Columbia 20543
Law Clerk for Associate Justice Stephen G. Breyer

1998 – 1999
Miller, Cassidy, Larroca & Lewin LLP (now defunct)
2599 M Street, Northwest
Washington, District of Columbia 20007
Associate

1997 – 1998
United States Court of Appeals for the First Circuit
1 Exchange Terrace
Providence, Rhode Island 02903
Law Clerk for the Honorable Bruce M. Selya

1996 – 1997
United States District Court for the District of Massachusetts
1 Courthouse Way
Boston, Massachusetts 02210
Law Clerk for the Honorable Patti B. Saris

Summer 1996
Ropes & Gray LLP
One International Place
Boston, Massachusetts 02110
Summer Associate

Summer 1995
Miller, Cassidy, Larroca & Lewin LLP (now defunct)
2599 M Street, Northwest
Washington, District of Columbia 20007
Summer Associate

Summer 1994
Kirkland & Ellis LLP
Citigroup Center
153 East 53rd Street
New York, New York 10022
Summer Associate

1992 – 1993
Time Magazine, Inc.
1271 Avenue of the Americas
New York, New York 10020
Staff Reporter/Researcher

Teaching Affiliations

January Terms 2019 and 2018
Harvard Law School
Trial Advocacy Workshop Instructor (uncompensated)
1563 Massachusetts Avenue
Cambridge, Massachusetts 02138

Spring Terms 2014, 2012, and 2011
George Washington University Law School
Professional Lecturer in Law—Federal Sentencing Seminar
2000 H Street, Northwest
Washington, District of Columbia 20052

Other Affiliations (uncompensated)

2019 – Present
Georgetown Day School
4200 Davenport Street, Northwest
Washington, District of Columbia 20016
Board of Trustees

2018 – Present
Supreme Court Fellows Commission
1 First Street, Northeast
Washington, District Columbia 20543
Commissioner

2016 – Present
Harvard University
17 Quincy Street
Cambridge, Massachusetts 02138
Board of Overseers (2016 – present)
Executive Committee (2019 – present)

2016 – Present
American Law Institute
4025 Chestnut Street
Philadelphia, Pennsylvania 19104
Council

2014 – Present
Edward Bennett Williams Inn of Court
333 Constitution Avenue, Northwest
Washington, District of Columbia 20001
Barrister (2014 – Present)
Vice President (2016 – Present)

2015 – 2021
Historical Society of the District of Columbia Circuit
333 Constitution Avenue, Northwest, Room 4726
Washington, District of Columbia 20001
Board of Directors

2013 – 2017
Council for Court Excellence
1111 14th Street, Northwest, Suite 500
Washington, District of Columbia 20005
Co-Chair, CCE Jury Project: Jury Service in the 21st Century (2013 – 2015)
Board of Directors (2015 – 2017)

2011 – 2013
National Institute of Corrections
320 First Street, Northwest
Washington, District of Columbia 20534
Advisory Board (designee of Chair of the Sentencing Commission)

2010 – 2011
Montrose Christian School (closed 2013)
5100 Randolph Road
Rockville, Maryland 20852
Advisory School Board

2004 – 2007
Harvard Alumni Association
124 Mount Auburn Street, 6th Floor
Cambridge, Massachusetts 02138
Elected Director

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

I have not served in the military. I was not required to register with the selective service.

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

Empowering Women of Color, Columbia Law School,
Constance Baker Motley Award (2021)

Black Law Students Association, University of Chicago Law School,
Distinguished Visiting Jurist, Third Annual Judge James B. Parsons Legacy
Award (2020)

Women's Bar Association of the District of Columbia, Stars of the Bar Award (2019)

The University of Utah, S.J. Quinney College of Law,
David T. Lewis Distinguished Jurist-in-Residence (2019)

NBC News, She Thrives: Black Women Making History (2019)

Keynote Speaker, Harvard Law Review's 130th Spring Banquet (2017)

The University of Chicago Law School,
Edward H. Levi Distinguished Visiting Jurist (2014 – 2015)

Harvard Law Review (Volume 109, Supervising Editor, 1995 – 1996)

Harvard College Scholarship for Academic Achievement (1989 – 1991)

Elizabeth Carey Agassiz Certificate for Academic Achievement (1989 – 1990)

Glamour Magazine's Top Ten College Women Competition, Semi-finalist (1991)

National Catholic Forensic League National Champion in Original Oratory (1988)

National Forensics League National Finalist in Humorous Interpretation (1988)

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.

ABA Criminal Justice Section, Sentencing Task Force (2018 – 2021)

ABA Section on Administrative Law & Regulatory Practice, Ex Officio Council (2021 – Present)

American Law Institute, Council (2016 – Present)

Edward Bennett Williams Inn of Court, Vice President (2014 – Present)

Judicial Conference Committee on Defender Services (2017 – Present)

Magistrate Judge Merit Selection Panel (2005)

Supreme Court Fellows Commission (2019 – Present)

Supreme Court Institute, Georgetown University, Moot Court Jurist (2003 – 2009)

United States District Court for the District of Columbia

D.C. Circuit Judicial Wellness Committee (2018 – 2021)

District Court Admission Review Committee (2015 – 2021)

District Court Jury Committee, Chair (2013 – 2021)

Bankruptcy Judge Merit Selection Panel, Chair (2020)

Art and District Court Public Space Committee (2017 – 2019)

D.C. Circuit Judicial Conference Arrangements Committee (2017)

D.C. Circuit Judicial Council (2014 – 2016)

Women's Bar Association of the District of Columbia, Amicus Committee Co-Chair (2006)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. List any state in which you applied for reciprocal admission without taking the bar examination and the date of such admission or refusal of such admission. Please explain the reason for any lapse in membership.

Massachusetts, 1996

District of Columbia, 1998 (reciprocal admission)

There have been no lapses in membership. I have been an inactive member of both bars (judicial status) since my appointment to the bench in 2013.

- 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, 2000
United States Court of Appeals for the Fourth Circuit, 2008
United States Court of Appeals for the District of Columbia Circuit, 2005
United States Court of Appeals for the First Circuit, 1998
United States District Court for the District of Columbia, 2009
United States District Court for the District of Massachusetts, 1997
United States Court of Federal Claims, 2008
District of Columbia Court of Appeals, 1998

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, or in which you have participated, from the beginning of law school. Provide dates of membership or participation, and indicate any office you held. "Participation" means consistent or repeated involvement in a given organization, membership, or regular attendance at events or meetings. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications. Describe briefly the nature and objectives of each such organization; the nature of your participation in each such organization; and identify an officer or other person from whom more detailed information may be obtained.

The Cosmos Club (2019 – Present)—The Cosmos Club hosts social events and is a meeting spot for members, both national and international, from a variety of professions. I was elected to membership in 2019. Additional information about the Cosmos Club may be obtained from Joanne Pierre, Cosmos Club Manager for Membership and Administrative Affairs, jpierre@cosmosclub.org.

Harvard Alumni Association (1992 – Present); Elected Director (2004 – 2007)—The Harvard Alumni Association ("HAA") helps alumni connect with the University and fellow graduates. As a Harvard alumna, I am a member of the HAA. I also served as an Elected Director (office holder) of the HAA for three years. Additional information about the HAA may be obtained from Phillip Lovejoy, HAA Associate Vice President and Executive Director, (617) 496-3431.

Harvard Black Alumni Society (2003 – Present)—The Harvard Black Alumni Society (“HBAS”) is a shared interest group of the Harvard Alumni Association. HBAS is a forum for Black Harvard alumni to communicate and convene, in order to contribute to the professional development of its current and future members and the Harvard community at large. HBAS seeks to provide a strong and supportive community of alumni and to enhance the experience of each graduating class. Additional information about HBAS may be obtained from Monica M. Clark, HBAS President, info@hbasonline.org.

Harvard Club of Washington, District of Columbia (2002 – 2016); Local College Interviewer (2004 – 2016)—The Harvard Club of Washington, D.C., is a nonprofit organization that provides cultural, educational, social, and networking events for Harvard alumni in the Washington, D.C. area. The Club also conducts interviews of Harvard College applicants, awards scholarships to local students, and organizes local community service events. I was a member of the Harvard Club from 2002 to 2016, and I also interviewed college applicants from 2004 until 2016. Additional information about the Harvard Club of Washington, D.C. may be obtained from Caren Pauley, Executive Director, (202) 337-1300.

- b. The American Bar Association’s Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, religion, or national origin. Indicate whether any of these organizations listed in response to 11(a) above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of these organizations currently discriminates on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies. It is my understanding that, more than 30 years prior to my joining, the Cosmos Club intentionally excluded women from membership. The club terminated that policy in 1988.

- c. List all conferences, symposia, panels, and continuing legal education events you have attended since your appointment to the United States Sentencing Commission. For each event, provide the dates, a description of the subject matters addressed, the sponsors, and whether any funding, gifts or travel reimbursements were provided to you by the sponsors or other organizations.

To my recollection, and through a review of my calendar and searches of publicly available databases by persons acting on my behalf, I have located the events listed below. It is possible that there are a few events that I have no record of and thus was not able to identify.

December 7 – 9, 2021: Orientation Seminar for Newly Appointed Court of Appeals Judges, Federal Judicial Center. This seminar was a virtual training session that covered issues that newly appointed federal judges could face in their roles. I did not receive any funding, gifts, or reimbursements for this event.

October 6, 2021: Unity Webinar, Harvard Alumni Association. This was a virtual discussion with Harvard President Lawrence Bacow about issues facing Harvard University. I did not receive any funding, gifts, or reimbursements for this event.

July 21, 2021: Educational Opportunities Section Effective Writing Series, United States Department of Justice. This was a virtual training session for section attorneys regarding effective legal writing. I did not receive any funding, gifts, or reimbursements for this event.

January 26, 2021: “Raising our Hands: Seeking Appointments in the Biden/Harris Administration,” Women’s White Collar Defense Association. This was a virtual panel question and answer session that covered the panelists’ career paths and general advice for women attorneys seeking to advance their careers through public service. I did not receive any funding, gifts, or reimbursements for this event.

November 18, 2020: Benjamin Cooper Memorial Lecture & 75th Anniversary Speaker Series, Georgetown Day School. This was a virtual panel discussion regarding the legacy of Justice Ruth Bader Ginsburg. I did not receive any funding, gifts, or reimbursements for this event.

November 4, 2020: Annual Meeting of National Asian Pacific American Bar Association. I recorded a video segment regarding my experiences clerking for Justice Breyer for this Annual Meeting, which I did not otherwise attend. I did not receive any funding, gifts, or reimbursements for this event.

October 1, 2020: COVID Conversation Series: Conversations with the Judiciary, University of California Berkeley School of Law. This was a virtual moderated discussion hosted by Professor Amanda Tyler concerning one of my civil procedure cases. I did not receive any funding, gifts, or reimbursements for this event.

August 5, 2020: *Harvard Law Review* Orientation, Harvard Law School. This was a virtual panel featuring Law Review alumni that highlighted panelists’ experiences as editors. I did not receive any funding, gifts, or reimbursements for this event.

June 8 – 12, 2020: Virtual National Convention, American Constitution Society. This virtual convention covered recent developments in constitutional law and

legal issues relating to the pandemic. I did not receive any funding, gifts, or reimbursements for this event.

February 24, 2020: Third Annual Judge James B. Parsons Legacy Dinner, University of Chicago School of Law. I was the Keynote speaker for the Third Annual Judge James B. Parsons Legacy Dinner, “Three Qualities for Success in Law and Life.” The University of Chicago School of Law covered my expenses for the event.

January 19 – 21, 2020: Martin Luther King Jr. Day Celebration, University of Michigan Law School. I was the keynote speaker for the University of Michigan Law School Martin Luther King Jr. Day Celebration, “Courage / Purpose / Authenticity: Black Women Leaders in the Civil Rights Movement Era and Beyond.” The University of Michigan Law School covered my expenses for the event.

October 28 – 30, 2019: Mid-Career Seminar for U.S. District Judges, Federal Judicial Center. This seminar covered issues relating to judicial decision-making. The Federal Judicial Center covered my expenses associated with this event.

October 4, 2019: Clerks at 100: Academic Symposium Featuring Former Supreme Court Clerks, National Constitution Center and George Washington Law Review. This symposium involved three panels of former Supreme Court clerks discussing their experiences during and after their clerkships and the future of the clerkship institution. I did not receive any funding, gifts, or reimbursements for this event.

July 10, 2019: “How to Land a Clerkship: Practical Advice from Judges,” American Constitution Society. This was a panel discussion regarding the value of clerkships and how to be a competitive candidate. I did not receive any funding, gifts, or reimbursements for this event.

June 25 – 28, 2019: Judicial Conference, United States Court of Appeals for the District of Columbia Circuit. This conference covered issues relating to technology, the internet, and the courts. The Court of Appeals for the District of Columbia Circuit covered my expenses associated with this event.

June 8 – 9, 2019: Mock Trial Program, National Institute of Trial Advocacy. I judged a two-day mock trial program that NITA held at the District of Columbia Superior Court. I did not receive any funding, gifts, or reimbursements for this event.

June 6, 2019: Judges’ Convening, American Constitution Society National Convention. In connection with ACS’s annual convention, I attended a session to which judges were invited. I did not receive any funding, gifts, or reimbursements for this event.

May 1, 2019: Colloquium on Courts and the Legal Process, Columbia Law School. This was a workshop that brought together judges, scholars, and students to discuss current research on courts and judging. Columbia University covered my expenses associated with this event.

April 9 – 10, 2019: David T. Lewis Distinguished Jurist-in-Residence, The University of Utah, S.J. Quinney College of Law. I visited classes, participated in a question and answer session about my career that was sponsored by the Minority Bar Association, and presided over the Traynor moot court competition. The University of Utah covered my expenses associated with this visit.

February 8, 2019: “Judicial Independence and Criminal Law,” Stanford Law Review Symposium on The Independence of the American Judicial System. This was a moderated panel discussion, conducted as part of a Stanford Law Review Symposium, that compared the experiences of elected state judicial officers and life-tenured federal judges. Stanford University covered my expenses associated with this event.

November 15, 2018: “Hamilton: The Man, the Musical, and the Law,” National Constitution Center and Drexel University Thomas R. Kline School of Law. This was a panel discussion about Alexander Hamilton, the Constitution, and the law. Drexel University covered my expenses associated with this event.

November 8, 2018: “Sentencing,” National Association of Criminal Defense Lawyers 14th Annual White Collar Seminar: Defending the White Collar Case. This was a panel discussion, held as part of a white collar crime seminar, that addressed how judges approach sentencing determinations based on hypothetical scenarios involving white collar defendants. I did not receive any funding, gifts, or reimbursements for this event.

October 29 – 31, 2018: Transferee Judges’ Conference, Judicial Panel on Multi-District Litigation. The conference covered the multidistrict litigation system and the issues transferee judges face in handling such matters. The Administrative Office of the United States Courts covered my expenses associated with this event.

March 10, 2018: “The Power of Protest and Legal Responses to Threats to Assembly,” American Constitution Society 2018 National Student Convention. This was a moderated panel discussion, held as part of the American Constitution Society National Student Convention, regarding the right to assembly and the regulation of peaceful public protests. The American Constitution Society covered my expenses associated with this event.

January 25 – 26, 2018: Keedy Cup Moot Court, University of Pennsylvania. I was one of three judges who presided over the final round of Penn Law’s internal

moot court competition. The University of Pennsylvania covered my expenses associated with this event.

October 30 – November 1, 2017: Transferee Judges' Conference, Judicial Panel on Multi-District Litigation. The conference covered the multidistrict litigation system and the issues transferee judges face in handling such matters. The Administrative Office of the United States Courts covered my expenses associated with this event.

October 27, 2017: "Looking Forward: Criminal Justice Policy and Reform," George Washington University Law Review. This was a moderated panel, held as part of a symposium entitled, "The Challenge of Crime in Free Society: 50 Years Later." I did not receive any funding, gifts, or reimbursements for this event.

June 27 – 30, 2017: Judicial Conference, United States Court of Appeals for the District of Columbia Circuit. This conference covered issues relating to the history and future of forensic science in the courts. The Court of Appeals for the District of Columbia Circuit covered my expenses associated with this event.

June 8, 2017: "A Conversation with Associate Justice Stephen Breyer," American Constitution Society Annual National Convention. This convention covered a variety of constitutional law issues, and I introduced Justice Breyer at one session. I did not receive any funding, gifts, or reimbursements for this event.

June 2, 2017: "Tips from the District Court Bench," United States Sentencing Commission National Seminar. This was a moderated panel, held as part of the Sentencing Commission's National Seminar, regarding how district court judges prepare for sentencing and how counsel can be most effective during sentencing proceedings. The United States Sentencing Commission covered my expenses associated with this event.

May 27, 2017: "'92 World Challenges—A Lesson Learned and Action Moving Forward," Harvard and Radcliffe Class of 1992 25th Reunion. This was a public-service panel discussion at my 25th college reunion. I did not receive any funding, gifts, or reimbursements for this event.

April 8 – 9, 2017: Harvard Law Review Spring Banquet, Harvard University. I attended a Spring Banquet hosted by the Harvard Law Review. Harvard University covered my expenses associated with this event.

March 9, 2017: "Sentencing and Its Collateral Consequences Impact," American Bar Association White Collar Section 31st Annual National Institute on White Collar Crime. This was a moderated panel, held during a white collar crime conference, regarding theories of sentencing reform and the ways in which

counsel can be most effective during sentencing proceedings. The American Bar Association covered my expenses associated with this event.

March 2 – 3, 2017: Edith House Lecture, University of Georgia. I presented a lecture titled “Reflections on my Journey as a Mother and a Judge.” The University of Georgia covered my expenses associated with this event.

November 16 – 18, 2016: Yale Moot Court Competition, Yale Law School. I was one of three judges who presided over the final round of Yale Law School’s internal moot court competition. Yale Law School covered my expenses associated with this event.

October 31 – November 3, 2016: Transferee Judges’ Conference, Judicial Panel on Multi-District Litigation. The conference covered the multidistrict litigation system and the issues transferee judges face in handling such matters. The Administrative Office of the United States Courts covered my expenses associated with this event.

September 15, 2016: 2016 National Conference, Just the Beginning – A Pipeline Organization. The conference addressed issues relating to race and legal education, the legal profession, and society. I did not receive any funding, gifts, or reimbursements for this event.

July 20, 2016: “Perspectives on the Role of Courts in the Continuing Quest for Equality,” 2016 NAACP National Convention. This was a moderated panel discussion, held during the NAACP’s national convention, regarding the historical role of the federal courts in protecting civil rights and legal issues that impact communities of color. The NAACP covered my expenses associated with this event.

July 5 – 11, 2016: Justice and Society Seminar, The Aspen Institute. This seminar focused on issues related to law and justice. The Aspen Institute did not charge me a program fee and covered my room and board costs.

June 24, 2016: Mock Trial, American Law Institute. I served as a mock trial judge for an environmental litigation mock trial sponsored by the American Law Institute. I did not receive any funding, gifts, or reimbursements for this event.

April 25 – 28, 2016: Annual National Workshop for District Judges, Federal Judicial Center. This workshop covered legal writing, recent legal developments, and issues that arise in federal court litigation. The Federal Judicial Center covered my expenses associated with this event.

February 12 – 14, 2016: Moot Court Judge, William & Mary Law School. I served as a moot court judge for the Spong National Moot Court Tournament. William & Mary Law School covered my expenses associated with this event.

November 18, 2015: United States Sentencing Guideline Training, United States Probation Office for the District of Columbia. This training session covered how to calculate sentences under the federal Sentencing Guidelines. I did not receive any funding, gifts, or reimbursements for this event.

October 27, 2015: Mock Arbitration, ChIPs Network. I served as a judge for a mock intellectual property arbitration conducted as part of the ChIPs Network Global Summit. I did not receive any funding, gifts, or reimbursements for this event.

October 23, 2015: Conference & Career Fair, Equal Justice Works. This was a moderated question and answer panel presentation, conducted as part of a conference and career fair for public interest lawyers, where I discussed my experiences as an attorney and judge, and provided advice for young attorneys. I did not receive any funding, gifts, or reimbursements for this event.

October 20, 2015: Panel Discussion, District of Columbia Office of the Attorney General. This was a panel discussion in which D.C. federal trial court judges addressed best practices for litigating in federal court and our experiences as judges. I did not receive any funding, gifts, or reimbursements for this event.

September 16 – 18, 2015: Panelist, United States Sentencing Commission Annual National Seminar on the Federal Sentencing Guidelines. This was a panel discussion, held during the Sentencing Commission's Annual National Seminar, regarding the application of the Sentencing Guidelines to drug offenses, and the retroactivity of recent Guideline amendments. The United States Sentencing Commission covered my expenses associated with this event.

September 9, 2015: National Conference for Pro Se Law Clerks, Federal Judicial Center. I attended this conference to deliver a speech entitled, "Fairness in Sentencing: An Examination." I did not otherwise attend the conference. The Federal Judicial Center covered my expenses associated with this event.

June 23 – 26, 2015: Judicial Conference, United States Court of Appeals for the District of Columbia Circuit. This conference covered issues relating to technology, current legal developments, and the state of the judiciary. The Court of Appeals for the District of Columbia Circuit covered my expenses associated with this event.

April 13 – 15, 2015: Law and Society Seminar, Federal Judicial Center. This seminar examined social issues that affect the law and considered how those issues may influence the role of judging in society. The Federal Judicial Center covered my expenses associated with this event.

April 2 – 3, 2015: Edward H. Levi Distinguished Visiting Jurist, University of Chicago Law School. I spoke with various student groups about diversity in the legal profession, attended classes, answered student questions, and gave a lunch talk. The University of Chicago Law School covered my expenses associated with this visit.

March 26, 2015: 12th Annual Federal Judges Panel, Penn Law American Constitution Society. This was a panel discussion regarding criminal justice system reforms, including proposed changes to the federal sentencing system. The University of Pennsylvania covered my expenses associated with this event.

February 25, 2015: “A Conversation on Judging – Then and Now,” District of Columbia Circuit Historical Society. This was a panel discussion on how judging has changed over time. I did not receive any funding, gifts, or reimbursements for this event.

February 17, 2015: Career Offender Categorical Approach Training, United States Probation Office for the District of Columbia. This training session covered how to apply the categorical approach in determining career offender status under the Sentencing Guidelines. I did not receive any funding, gifts, or reimbursements for this event.

January 4, 2015: Panel Discussion, Association of American Law Schools Annual Meeting, Washington, District of Columbia. This was a panel discussion, held as a part of the Association of American Law Schools’ Annual Meeting, regarding the importance of academic curricula aimed at teaching legal writing and research. I did not receive any funding, gifts, or reimbursements for this event.

December 3, 2014: “An Insider Look at the United States Sentencing Commission,” United States Sentencing Commission Knowledge Seminar. This was a webinar regarding the role and function of the United States Sentencing Commission. I did not receive any funding, gifts, or reimbursements for this event.

October 28, 2014: Panel Discussion, University of California, Berkeley School of Law. During a visit to Berkeley Law, I participated in a panel discussion about the judicial nomination process and my experiences as a judge. The University of California covered my expenses associated with this event.

September 17, 2014: United States Sentencing Commission Annual National Seminar on the Sentencing Guidelines. This was the Sentencing Commission’s annual seminar on the Sentencing Guidelines. The United States Sentencing Commission covered my expenses associated with this event.

June 16, 2014: Reentry Panel, United States Department of Justice Smart on Crime Implementation Workshop. This was an expert discussion of innovative pretrial programs aimed at certain categories of criminal defendants that I moderated, which was held during a Department of Justice workshop on “smart on crime” strategies. I did not receive any funding, gifts, or reimbursements for this event.

May 4 – 6, 2014: Eighth Quadrennial Conference, Federal Judges Association. This conference addressed best practices for federal judges. I did not receive any funding, gifts, or reimbursements for this event.

May 1 – 3, 2014: Annual National Workshop for District Judges, Federal Judicial Center. This workshop broadly covered legal writing, recent legal developments, and issues that arise in federal court litigation. The Federal Judicial Center covered my expenses associated with this event.

April 4, 2014: *Arguendo* Discussion, Woolly Mammoth Theater. This was a post-performance panel discussion of the play *Arguendo* and its legal themes. I did not receive any funding, gifts, or reimbursements for this event.

March 19 – 21, 2014: Seventeenth Annual NYU Workshop on Employment Law for Federal Judges, Federal Judicial Center. This workshop covered issues that federal judges confront in employment law cases. The Federal Judicial Center covered my expenses associated with this event.

March 6, 2014: “Sentencing Strategies in White Collar Cases,” American Bar Association 28th National Institute on White Collar Crime. This was a panel discussion, held as part of a white collar crime conference, regarding the sentencing guideline that governs economic crimes. The United States Sentencing Commission covered my expenses associated with this event.

February 24 – 28, 2014: Phase II Orientation for Newly Appointed U.S. District Judges, Federal Judicial Center. This was the second part of the Federal Judicial Center’s annual orientation program, which provided new district judges with guidance for their new roles. The Federal Judicial Center covered my expenses associated with this event.

February 22, 2014: William Minor Lile Moot Court Competition, University of Virginia School of Law. I judged the semifinal round of UVA’s internal moot court competition. The University of Virginia covered my expenses associated with this event.

February 17, 2014: “Perspectives on the Criminal Justice System,” Stanford Black Alumni Association. This was a moderated panel discussion concerning African Americans in the criminal justice system and proposals for sentencing reforms. I did not receive any funding, gifts, or reimbursements for this event.

November 1, 2013: “Update on Federal Sentencing Law and Policy,” American Bar Association 6th Annual Fall Institute. This was a panel discussion, held as part of an ABA institute, that addressed recent developments in federal sentencing law and policy. I did not receive any funding, gifts, or reimbursements for this event.

October 23 – 24, 2013: Symposium on Recidivism, United States Sentencing Commission. This was a symposium regarding the Sentencing Commission’s research on recidivism among federal offenders. I did not receive any funding, gifts, or reimbursements for this event.

September 18 – 19, 2013: Symposium on Economic Crime, United States Sentencing Commission. This was a symposium regarding the Sentencing Commission’s research on economic crimes. The Sentencing Commission covered my expenses associated with this event.

September 4, 2013: Plenary Panel, United States Sentencing Commission Regional Training Seminar. This was a panel discussion, held as part of a Sentencing Commission’s training seminar, that addressed recent developments in sentencing law and the Sentencing Guidelines. The United States Sentencing Commission covered my expenses associated with this event.

August 2, 2013: Plenary Panel, United States Sentencing Commission Regional Training Seminar. This was a panel discussion, held as part of a Sentencing Commission’s training seminar, that addressed recent developments in sentencing law and the Sentencing Guidelines. I did not receive any funding, gifts, or reimbursements for this event.

July 9 – 10, 2013: Judge-to-Judge IT Workshop, Federal Judicial Center. This workshop covered information technology issues in the federal judiciary. I did not receive any funding, gifts, or reimbursements for this event.

June 23 – 28, 2013: Phase I Orientation for Newly Appointed U.S. District Judges, Federal Judicial Center. This was the first part of the Federal Judicial Center’s annual orientation program, which provided new district judges with guidance for their new roles. The Federal Judicial Center covered my expenses for this event.

April 30, 2013: Guest Speaker, New York University School of Law, Judge John Gleeson’s Sentencing Seminar, New York, New York. I was a guest of Judge Gleeson at his sentencing seminar and answered questions from students about the Commission and sentencing in general. The United States Sentencing Commission covered my expenses associated with this event.

March 7, 2013: "Sentencing Strategy: Advocacy in White Collar Cases," American Bar Association 27th Annual National Institute on White Collar Crime. This was a moderated panel, held as part of a criminal law conference, that addressed sentencing issues in white collar crime cases. The United States Sentencing Commission covered my expenses associated with this event.

October 26, 2012: "Update on Federal Sentencing Law: Supreme Court, Appellate, and Legislation," American Bar Association Criminal Justice Section Fifth Annual Fall Institute. This was a panel discussion, held as part of a criminal law conference, that addressed recent developments in sentencing law and the Sentencing Guidelines. I did not receive any funding, gifts, or reimbursements for this event.

October 23, 2012: Health Ethics Trust's 2012 Healthcare Best Compliance Practices Forum. I attended a forum and gave a speech to compliance officers in the healthcare industry about the historical development of the federal sentencing guidelines applicable to organizations, and the ways in which the guidelines have led to beneficial compliance and ethics standards in industries such as healthcare. I did not receive any funding, gifts, or reimbursements for this event.

October 2, 2012: "USSC Plenary Panel: Mandatory Minimum Report," Federal Judicial Center National Sentencing Institute. I participated in a panel discussion, held as part of a conference on federal sentencing, that addressed recent developments in sentencing law and the Sentencing Guidelines. The United States Sentencing Commission covered my expenses associated with this event.

July 26, 2012: Panel Discussion, National Association of Black Narcotic Agents 35th Annual Training Conference. I participated in a panel discussion, held as part of a training seminar for narcotics officers, regarding sentencing for cocaine powder and crack cocaine offenses. I did not receive any funding, gifts, or reimbursements for this event.

June 13 – 15, 2012: United States Sentencing Commission Annual National Seminar on the Sentencing Guidelines. This was the Sentencing Commission's annual seminar on the Sentencing Guidelines. The United States Sentencing Commission covered my expenses associated with this event.

May 24, 2012: "The Presentence Report and Departures/Variations," Tampa Bay Chapter of the Federal Bar Association 21st Annual National Seminar on the Federal Sentencing Guidelines. I participated in a panel discussion, held as part of a seminar on the Sentencing Guidelines, regarding the analysis of departures and variances in presentence reports. The United States Sentencing Commission covered my expenses associated with this event.

April 30, 2012: "State of the Sentencing Guidelines," Health Care Compliance Association Annual Compliance Institute. I spoke at a health care compliance

conference. The United States Sentencing Commission covered my expenses associated with this event.

April 17, 2012: “New Frontiers in Race and Criminal Justice,” NYU Center on the Administration of Criminal Law. I participated in a panel discussion held as part of a criminal law conference. The United States Sentencing Commission covered my expenses associated with this event.

October 28, 2011: Panel Discussion, American Bar Association Fourth Annual Sentencing & Reentry Institute and Criminal Justice Legal Educators Colloquium. This was a panel discussion, held as part of a conference regarding sentencing and reentry, that addressed recent developments in federal sentencing law. I did not receive any funding, gifts, or reimbursements for this event.

October 24, 2011: Health Ethics Trust’s 2011 Healthcare Best Compliance Practices Forum. During a healthcare compliance conference, I gave a speech to compliance officers in the health care industry about the U.S. Sentencing Commission, its role in developing the federal sentencing guidelines applicable to organizations, and the ways in which the guidelines have led to the development of beneficial compliance and ethics standards in industries such as healthcare. I did not receive any funding, gifts, or reimbursements for this event.

September 28, 2011: United States Sentencing Commission Training Program for the probation officers and United States District Judges of the Northern District of Illinois. During the course of a training program, I made presentations that provided data, training, and information about guideline amendments made pursuant to the Fair Sentencing Act and the procedures related to retroactive application of those amendments. The United States Sentencing Commission covered my expenses associated with this event.

June 15, 2011: “Sentencing in the Sixth Circuit,” Sixth Circuit Judicial Conference. This was a panel discussion, held during a Circuit Judicial Conference, regarding the sentencing practices in that Circuit. The United States Sentencing Commission covered my expenses associated with this event.

June 14, 2011: “Update on Key Issues Before the United States Sentencing Commission and Criminal Rules Committee,” Ninth Circuit Federal Defenders Retreat. This was a panel discussion, held during a conference for Federal Defenders, regarding current issues before the Sentencing Commission and the Criminal Rules Committee. The United States Sentencing Commission covered my expenses associated with this event.

May 18 – 20, 2011: United States Sentencing Commission Annual National Seminar on the Sentencing Guidelines. During the Sentencing Commission’s annual seminar on the Sentencing Guidelines, I participated in a panel discussion entitled, “United States Sentencing Commission: A Year in Review” and

moderated a session entitled, "Sentencing Forum: Hot Topics in Federal Sentencing." The United States Sentencing Commission covered my expenses associated with this event.

May 6, 2011: "Update on Federal Sentencing Law," Tampa Bay Chapter of the Federal Bar Association Annual National Seminar on the Federal Sentencing Guidelines. This was a panel discussion, held as part of a sentencing seminar, that addressed recent developments in federal sentencing law. The United States Sentencing Commission covered my expenses associated with this event.

February 11, 2011: Training program for federal judges, prosecutors, defense attorneys, and probation officers, United States Sentencing Commission. I gave introductory remarks for a Guidelines training program and also answered questions and assisted Commission staff in training participants on how to use the Guidelines Manual. The United States Sentencing Commission covered my expenses associated with this event.

November 20, 2010: "Bootcamp: Real World Training for Future Success," Women's Bar Association of D.C. This was a panel discussion on professional advancement that addressed work-family balance issues, career development, and professional ethics. I did not receive any funding, gifts, or reimbursements for this event.

November 5, 2010: "United States Sentencing Commission: A Year in Review" and "Update on Sentencing Law," American Bar Association Criminal Justice Section Sentencing and Reentry Institute. These were panel discussions, held as part of a sentencing and reentry conference, that provided updates on recent developments in sentencing law and policy. I did not receive any funding, gifts, or reimbursements for this event.

October 20, 2010: Training program for federal judges, prosecutors, defense attorneys, and probation officers, United States Sentencing Commission. This was a Guidelines training program at which I gave introductory remarks, answered questions, and assisted Commission staff in training participants on how to use the Guidelines Manual. The United States Sentencing Commission covered my expenses associated with this event.

September 22, 2010: Training program for the law clerks and Staff Attorneys of the United States Court of Appeals for the Fourth Circuit, United States Sentencing Commission. This was a Guidelines training program at which I gave introductory remarks, answered questions, and assisted Commission staff in training participants on how to use the Guidelines Manual. The United States Sentencing Commission covered my expenses associated with this event.

August 4, 2010: "Rehabilitation or Restoration in Criminal Punishment: Dead End or Realistic Imperative?" Southeastern Association of Law Schools

(SEALS), Annual Meeting and Conference. This was a panel discussion, held as part of a conference for law schools, regarding sentencing policy and rehabilitation. The United States Sentencing Commission covered my expenses associated with this event.

June 17, 2010: Panel Discussion, United States Sentencing Commission Annual National Seminar on the Federal Sentencing Guidelines. This was a panel discussion, held as part of the Sentencing Commission's annual seminar, that covered the latest developments in federal sentencing law. The United States Sentencing Commission covered my expenses associated with this event.

May 14, 2010: "Update on Federal Sentencing Law: Supreme Court, Appellate, and Legislation," Tampa Bay Chapter of the Federal Bar Association Annual National Seminar on the Federal Sentencing Guidelines. This was a panel discussion, held as part of a sentencing seminar, that covered recent developments in federal sentencing law. The United States Sentencing Commission covered my expenses associated with this event.

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, regardless of whether it was published in your name, another name, or anonymously. Supply four (4) copies of all published material to the Committee.

Judging A Book: Jackson Reviews "When Should Law Forgive?," Law 360 (Sept. 24, 2019). Copy supplied.

With Kathleen Cooper Grilli, "*Carrot and Stick*" *Philosophy: The History of the Organizational Sentencing Guidelines and the Emergence of Effective Compliance and Ethics Programs*, THE COMPLETE COMPLIANCE AND ETHICS MANUAL (Soc'y of Corporate Compliance & Ethics), Aug. 2012, at 1.25. (Updated and republished annually.) Copy supplied.

Section 10(b) and Rule 10b-5: The U.S. Courts of Appeals Apply Different Legal Tests for Assessing the Primary Liability of Secondary Actors, Securities Litigation, Enforcement, and White Collar Criminal Defense Newsletter (Morrison & Foerster LLP), Spring 2009, at 10–12. Copy supplied.

With Seth Whitelaw, Michael Josephson & Kathleen Cooper Grilli, *Healthcare Compliance Programs: From Murky Beginnings to Established Expectation*, COMPLETE HEALTHCARE COMPLIANCE MANUAL (Cosmos), date unknown. Copy supplied.

Letter to the Editor, *Feder's as Racist as Those He Condemns*, Bos. Herald, Apr. 10, 1997, at 36. Copy of letter and underlying editorial supplied.

Note, *Prevention Versus Punishment: Toward a Principled Distinction in the Restraint of Released Sex Offenders*, 109 Harv. L. Rev. 1711 (1996). Copy supplied.

Recent Case, *Racketeer Influenced and Corrupt Organizations Act (RICO)—Scope of Liability After Reves v. Ernst & Young*, 108 Harv. L. Rev. 1405 (1995). Copy supplied.

Guinier: "*The First Lesson of Democracy is Dialogue*," Harv. L. Rec., Apr. 22, 1994, at 1.

"*The Hand Of Oppression*": *Plea Bargaining Processes and the Coercion of Criminal Defendants* (March 1992) (senior thesis on file with the Harvard College Archives). Copy supplied. (Because my thesis was unpublished, it is not responsive to this question but I am including it because it was inadvertently listed in my 2012 Senate Judiciary Questionnaire.)

It's About Time, 4 Progressive Forensics 1, 18 (1987). Copy supplied. (Because this article is from when I was in high school, it is not responsive to this question but I am including it because it was inadvertently listed in my 2012 Senate Judiciary Questionnaire.)

I assisted with the reporting of the following articles but did not write or edit them, and so they were not responsive to prior Committee questionnaires. They are provided here out of an abundance of caution.

Richard N. Ostling, *A.C.L.U.—Not All That Civil*, Time Mag., Apr. 26, 1993, at 31. Copy supplied.

John Greenwald, *Ouch! Which hurts more, the shot or the bill?*, Time Mag., March 8, 1993, at 53. Copy supplied.

Janice Castro, *Hollywood Rocks Madison Avenue*, Time Mag., Feb. 22, 1993, at 65. Copy supplied.

John Greenwald, *The Job Freeze*, Time Mag., Feb. 1, 1993, at 52. Copy supplied.

- b. Supply four (4) copies of any reports, memoranda, policy statements, minutes, agendas, legal filings, or other materials 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 or in which you have participated as defined in 11(a). Include reports, memoranda, policy statements, or legal filings of any advisory board on which you served or working group of

any bar association, committee, or conference which produced a report, memorandum, policy statement, or legal filing even where you did not contribute to it. If you do not have a copy of a report, memorandum, policy statement, or legal filing, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I have not prepared or contributed in the preparation of any minutes, agendas, legal filings, or other materials on behalf of any bar association, committee, conference, or organization of which I was or am a member or in which I have participated as defined in 11(a). The reports, memoranda, policy statements, and legal filings of the advisory boards on which I served, during the period of my service, are listed below.

Council for Court Excellence, Strategic Plan 2017 – 2021 (Dec. 14, 2016). Copy supplied.

Council for Court Excellence, Jury Service Revisited: Upgrades for the 21st Century (Dec. 2015). Copy supplied.

During the time that I served as a Commissioner on the United States Sentencing Commission, the Commission issued, on an annual basis, federal sentencing guidelines manuals, sourcebooks of federal sentencing statistics, and yearly reports. The Commission also issued, on a periodic basis, reports on federal sentencing statistics. It is important to note that while members of the Commission contribute to these reports, they are representative of the Commission as a whole and not of any single Commissioner.

To my recollection, and through a review of my files and searches of publicly available databases by persons acting on my behalf, I have located the following reports, memoranda, and policy statements that are responsive to this question. It is possible that there are a few documents that I have no record of and thus was not able to identify.

United States Sentencing Commission, Final Fair Sentencing Act Amendment Retroactivity Data Report (Dec. 2014). Available at http://www.ussc.gov/sites/default/files/pdf/research-and-publications/retroactivity-analyses/fair-sentencing-act/Final_USSC_Crack_Retro_Data_Report_FSA.pdf.

United States Sentencing Commission, FY 2013 Annual Report and Sourcebook of Federal Sentencing Statistics. Available at <https://www.ussc.gov/research/sourcebook/archive/sourcebook-2013>.

United States Sentencing Commission, Guidelines Manual (Nov. 2014). Available at <http://www.ussc.gov/guidelines-manual/2014/2014-ussc-guidelines-manual>.

United States Sentencing Commission, Overview of Federal Criminal Cases, Fiscal Year 2013 (Aug. 2014). Available at http://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2014/FY13_Overview_Federal_Criminal_Cases.pdf.

United States Sentencing Commission, Recidivism Among Offenders Receiving Retroactive Sentence Reductions: The 2007 Crack Cocaine Amendment (May 2014). Available at https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-projects-and-surveys/miscellaneous/20140527_Recidivism_2007_Crack_Cocaine_Amendment.pdf.

United States Sentencing Commission, FY 2012 Annual Report and Sourcebook of Federal Sentencing Statistics. Available at <https://www.ussc.gov/research/sourcebook/archive/sourcebook-2012>.

United States Sentencing Commission, Guidelines Manual (Nov. 2013). Available at <http://www.ussc.gov/guidelines-manual/2013/2013-ussc-guidelines-manual>.

United States Sentencing Commission, Overview of Federal Criminal Cases, Fiscal Year 2012 (July 2013). Available at http://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2013/FY12_Overview_Federal_Criminal_Cases.pdf.

United States Sentencing Commission, Report to Congress: The Continuing Impact of *United States v. Booker* on Federal Sentencing (Dec. 2012). Available at <http://www.ussc.gov/news/congressional-testimony-and-reports/booker-reports/report-continuing-impact-united-states-v-booker-federal-sentencing>.

United States Sentencing Commission, Report to Congress: Federal Child Pornography Offenses (Dec. 2012). Available at <http://www.ussc.gov/news/congressional-testimony-and-reports/sex-offense-topics/report-congress-federal-child-pornography-offenses>.

United States Sentencing Commission, Guidelines Manual (Nov. 2012). Available at <http://www.ussc.gov/guidelines-manual/2012/2012-ussc-guidelines-manual>.

United States Sentencing Commission, Overview of Federal Criminal Cases, Fiscal Year 2011 (Sept. 2012). Available at http://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2012/FY11_Overview_Federal_Criminal_Cases.pdf.

United States Sentencing Commission, Overview of Federal Criminal Cases, Fiscal Year 2010 (July 2012). Available at https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2012/FY10_Overview_Federal_Criminal_Cases.pdf.

United States Sentencing Commission, FY 2011 Annual Report and Sourcebook of Federal Sentencing Statistics. Available at <https://www.ussc.gov/research/sourcebook/archive/sourcebook-2011>.

United States Sentencing Commission, Report to Congress Regarding the Comprehensive Iran Sanctions Accountability and Divestment Act of 2010 (Dec. 14, 2011). Report available at https://www.ussc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/submissions/20111214_Iran_Sanctions_Transmission_0.pdf.

United States Sentencing Commission, Guidelines Manual (Nov. 2011). Available at <https://www.ussc.gov/guidelines/archive/2011-federal-sentencing-guidelines-manual>.

United States Sentencing Commission, Report to Congress: Mandatory Minimum Penalties in the Federal Criminal Justice System (Oct. 2011). Available at <https://www.ussc.gov/research/congressional-reports/2011-report-congress-mandatory-minimum-penalties-federal-criminal-justice-system>.

National Institute of Corrections, Report to the Nation FY 2010 (June 2011). Available at <https://s3.amazonaws.com/static.nicic.gov/Library/024837.pdf>.

United States Sentencing Commission, FY 2010 Annual Report and Sourcebook of Federal Sentencing Statistics. Available at <https://www.ussc.gov/research/sourcebook/archive/sourcebook-2010>.

United States Sentencing Commission, Overview of Federal Criminal Cases, Fiscal Year 2009 (Dec. 2010). Available at https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2010/20101230_FY09_Overview_Federal_Criminal_Cases.pdf.

United States Sentencing Commission, Guidelines Manual (Nov. 2010). Available at <https://www.ussc.gov/guidelines/archive/2010-federal-sentencing-guidelines-manual>.

United States Sentencing Commission, Computation of “Recency” Criminal History Points Under USSG §4A1.1(e) (Aug. 2010). Available at https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2010/20100818_Recency_Report.pdf.

United States Sentencing Commission, Federal Offenders Sentenced to Supervised Release (July 2010). Available at https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2010/20100722_Supervised_Release.pdf.

United States Sentencing Commission, Results of Survey of United States District Judges, January 2010 through March 2010 (June 2010). Available at https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-projects-and-surveys/surveys/20100608_Judge_Survey.pdf.

United States Sentencing Commission, Demographic Differences in Federal Sentencing Practices: An Update of the *Booker* Report's Multivariate Regression Analysis (Mar. 2010). Available at https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2010/20100311_Multivariate_Regression_Analysis_Report.pdf.

The American Law Institute ("ALI") has released numerous publications, including Restatements of Law, model statutes, and Principles of the Law, a listing of which is available on ALI's website at <https://www.ali.org/publications>.

- 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.

On April 28, 2021, I testified before the United States Senate Judiciary Committee as a nominee to be a Circuit Judge on the United States Court of Appeals for the District of Columbia Circuit. Responses to questions for the record supplied; video available at <https://www.judiciary.senate.gov/meetings/04/21/2021/nominations>.

On December 12, 2012, I testified before the United States Senate Judiciary Committee as a nominee to be a District Judge on the United States District Court for the District of Columbia. Testimony and responses to questions for the record supplied.

On October 7, 2009, I testified before the United States Senate Judiciary Committee as a nominee to be a Member of the United States Sentencing Commission. Testimony and responses to questions for the record supplied.

From 2010 until 2014, I served as a Vice Chair and Commissioner of the United States Sentencing Commission and made various public statements at Commission meetings in that capacity. The Sentencing Commission conducts public meetings and holds public hearings as a part of its annual amendment cycle. Congress also periodically requests information from the Commission, and the Commission provides letters or written statements in response. In addition,

the Chair of the Commission periodically testifies on behalf of the Commission before various Congressional committees, and the Commission sometimes files amicus briefs in court. While members of the Commission contribute to the briefs, letters, and other statements of the Commission, such statements are representative of the Commission as a whole and not of any single Commissioner.

To my recollection, and through a review of my files and searches of publicly available databases by persons acting on my behalf, I have located the testimony, official statements, or other communications listed below. It is possible that there are a few instances of testimony, official statements, and other communications that I have no record of and thus was not able to identify.

United States Sentencing Commission, Public Meeting (Aug. 14, 2014). Notice of meeting and minutes available at <http://www.ussc.gov/amendment-process/public-hearings-and-meetings/20140814/august-14-2014>.

United States Sentencing Commission, Public Meeting (July 18, 2014). Video available at <http://www.ussc.gov/videos/public-meeting-july-18-2014> and minutes available at <http://www.ussc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20140718/meeting-minutes.pdf>.

Prepared Statement of Patti B. Saris, Chair of the United States Sentencing Commission, before the House Committee on the Judiciary (July 11, 2014). Testimony available at http://www.ussc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/testimony/20140711_Saris_Testimony.pdf.

United States Sentencing Commission, Public Hearing on Retroactivity of 2014 Drug Amendment (June 10, 2014). Video available at <http://www.ussc.gov/videos/public-hearing-june-10-2014> and transcript available at <http://www.ussc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20140610/transcript.pdf>.

United States Sentencing Commission, Public Meeting (Apr. 10, 2014). Video available at <http://www.ussc.gov/videos/public-meeting-april-10-2014> and minutes available at <http://www.ussc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20140410/meeting-minutes.pdf>.

United States Sentencing Commission, Public Hearing regarding proposed amendments to the federal sentencing guidelines (Mar. 13, 2014). Video available at <http://www.ussc.gov/videos/public-hearing-march-13-2014> and transcript available at <http://www.ussc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20140313/transcript.pdf>.

United States Sentencing Commission, Public Hearing on Implementing the Violence Against Women Reauthorization Act of 2013 (Feb. 13, 2014).

Transcript available at <http://www.ussc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20140213/Transcript.pdf>.

United States Sentencing Commission, Public Meeting (Jan. 9, 2014). Video available at <http://www.ussc.gov/videos/webcast-analysis-drug-trafficking-offenders-and-guidelines> and minutes available at <http://www.ussc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20140109/meeting-minutes.pdf>.

United States Sentencing Commission, Letter to Senate Judiciary Committee (Nov. 26, 2013). Available at <http://www.ussc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/submissions/20131126-Letter-Senate-Judiciary-Committee.pdf>.

Prepared Statement of Patti B. Saris, Chair of the United States Sentencing Commission, before the Senate Committee on the Judiciary (Sept. 18, 2013). Testimony available at http://www.ussc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/submissions/20130918_SJC_Mandatory_Minimums.pdf.

United States Sentencing Commission, Public Meeting (Aug. 15, 2013). Minutes available at <http://www.ussc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20130815/meeting-minutes.pdf>.

United States Sentencing Commission, Public Meeting (Apr. 10, 2013). Minutes available at http://www.ussc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20130410/Meeting_Minutes.pdf.

United States Sentencing Commission, Public Hearing (Mar. 13, 2013). Transcript available at <http://www.ussc.gov/sites/default/files/Transcript.pdf>.

United States Sentencing Commission, Public Meeting (Jan. 11, 2013). Minutes available at http://www.ussc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20130111/Meeting_Minutes.pdf.

United States Sentencing Commission, Letter to Senate Judiciary Committee (Aug. 7, 2012). Available at https://www.ussc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/submissions/20120807_StC_Prison_Costs.pdf.

United States Sentencing Commission, Public Meeting (Apr. 13, 2012). Minutes available at https://www.ussc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20120413/Meeting_Minutes.pdf.

United States Sentencing Commission, Public Hearing on Proposed Amendments to the Federal Sentencing Guidelines (Mar. 14, 2012). Notice of meeting and

transcript available at <https://www.ussc.gov/policymaking/meetings-hearings/march-14-2012>.

United States Sentencing Commission, Public Hearing on Federal Sentencing Options after *Booker* (Feb. 16, 2012). Notice of meeting and transcript available at <https://www.ussc.gov/policymaking/meetings-hearings/february-16-2012>.

United States Sentencing Commission, Public Hearing on Federal Child Pornography Crimes (Feb. 15, 2012). Notice of meeting and transcript available at <https://www.ussc.gov/policymaking/meetings-hearings/february-15-2012>.

United States Sentencing Commission, Public Meeting (Jan. 10, 2012). Notice of meeting and minutes available at <https://www.ussc.gov/policymaking/meetings-hearings/january-10-2012>.

Prepared Statement of Patti B. Saris, Chair of the United States Sentencing Commission, before the House Committee on the Judiciary Subcommittee on Crime, Terrorism, and Homeland Security (Oct. 12, 2011). Testimony available at https://www.ussc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/testimony/20111012_Saris_Testimony.pdf.

United States Sentencing Commission, Public Meeting (Sept. 15, 2011). Notice of meeting and minutes available at <https://www.ussc.gov/policymaking/meetings-hearings/september-15-2011>.

United States Sentencing Commission, Public Meeting (June 30, 2011). Notice of meeting, minutes, and transcript available at <https://www.ussc.gov/policymaking/meetings-hearings/june-30-2011>. Video available at <http://www.c-spanvideo.org/program/300289-1>.

United States Sentencing Commission, Public Hearing on the Possible Retroactivity of the New Guideline Amendments Implementing the Fair Sentencing Act of 2010 (June 1, 2011). Notice of meeting, agenda, and transcript available at <https://www.ussc.gov/policymaking/meetings-hearings/june-1-2011>.

United States Sentencing Commission, Public Meeting (Apr. 6, 2011). Notice of meeting and minutes available at <https://www.ussc.gov/policymaking/meetings-hearings/april-6-2011>.

United States Sentencing Commission, Public Hearing on Proposed Amendments to the Federal Sentencing Guidelines (Mar. 17, 2011). Notice of meeting and transcript available at <https://www.ussc.gov/policymaking/meetings-hearings/march-17-2011>.

United States Sentencing Commission, Public Hearing on Proposed Amendments to the Federal Sentencing Guidelines (Feb. 16, 2011). Notice of meeting and

transcript available at <https://www.ussc.gov/policymaking/meetings-hearings/february-16-2011>.

United States Sentencing Commission, Public Meeting (Jan. 11, 2011). Notice of meeting and minutes available at <https://www.ussc.gov/policymaking/meetings-hearings/january-11-2011>.

United States Sentencing Commission, Public Meeting (Oct. 15, 2010). Notice of meeting and minutes available at <https://www.ussc.gov/policymaking/meetings-hearings/notice-october-15-2010>.

United States Sentencing Commission, Public Meeting (Sept. 16, 2010). Notice of meeting and minutes available at <https://www.ussc.gov/policymaking/meetings-hearings/notice-september-16-2010>.

United States Sentencing Commission, Public Meeting (Sept. 1, 2010). Notice of meeting and minutes available at <https://www.ussc.gov/policymaking/meetings-hearings/notice-september-1-2010>.

United States Sentencing Commission, Public Hearing on the Issue of Statutory Mandatory Minimum Penalties in Federal Sentencing (May 27, 2010). Notice of meeting, agenda, and transcript available at <https://www.ussc.gov/policymaking/meetings-hearings/notice-may-27-2010>.

United States Sentencing Commission, Public Meeting (Apr. 13, 2010). Notice of meeting and minutes available at <https://www.ussc.gov/policymaking/meetings-hearings/notice-april-13-2010>.

United States Sentencing Commission, Public Meeting (Apr. 7, 2010). Notice of meeting and minutes available at <https://www.ussc.gov/policymaking/meetings-hearings/notice-april-7-2010>.

United States Sentencing Commission, Public Hearing on Proposed Amendments to the Federal Sentencing Guidelines (Mar. 17, 2010). Notice of hearing, agenda, and transcript available at <https://www.ussc.gov/policymaking/meetings-hearings/notice-march-17-2010>.

United States Sentencing Commission, Brief for the Commission as amicus curiae filed in the Supreme Court of the United States in the case of *Percy v. Dillon*, No. 09-6338 (Mar. 2010). Brief supplied.

- d. Supply four (4) copies, transcripts or event-sponsored recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, symposia, panels, continuing legal education events, and question-and-answer sessions. Include the date and

place where they were delivered, and readily available non-duplicative 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.

To my recollection, and through a review of my calendar and searches of publicly available databases by persons acting on my behalf, I have located the speeches or talks listed below. It is possible that there are a few speeches or talks that I have no record of and thus was not able to identify.

February 25, 2022: Speaker, Announcement of nomination of Judge Ketanji Brown Jackson to United States Supreme Court, Washington, District of Columbia. Video available at <https://www.youtube.com/watch?v=CUCdRJWKGvY>.

October 6, 2021: Moderator, Harvard Alumni Association, Unity Webinar, Washington, District of Columbia (via Zoom). Notes supplied.

July 21, 2021: Panelist, United States Department of Justice, Civil Rights Division, Educational Opportunities Section, EOS Effective Writing Series, Washington, District of Columbia (via Zoom). I participated in a training session for section attorneys regarding effective legal writing. I have no notes, transcript, or recording. The address for the Department of Justice is 950 Pennsylvania Avenue, Northwest, Washington, District of Columbia 20530.

May 16, 2021: Commencement Speaker, University of Pennsylvania Carey Law School, Washington, District of Columbia (pre-recorded). Video available at <https://www.youtube.com/watch?v=-Bb-iLaBYBA>.

March 12, 2021: Honoree, Empowering Women of Color, Columbia Law School, Sixth Annual Constance Baker Motley Gala, Washington, District of Columbia (via Zoom). Copy of speech as prepared supplied.

January 26, 2021: Panelist, "Raising our Hands: Seeking Appointments in the Biden/Harris Administration," Women's White Collar Defense Association, Washington, District of Columbia (via Zoom). I participated in a question and answer session regarding the panelists' career paths and general advice for women attorneys seeking to advance their careers through public service. I have no notes, transcript, or recording. The address for the Women's White Collar Defense Association is 1501 K Street, Northwest, Washington, District of Columbia 20005.

November 18, 2020: Guest Speaker, Harvard Law School, Professor Jonathan Wroblewski's "Government Lawyer" Class, Washington, District of Columbia

(via Zoom). I participated in a question and answer session about my experiences with prosecutors as a federal public defender and a district judge. I have no notes, transcript, or recording. The address for Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

November 18, 2020: Panelist, Georgetown Day School, Benjamin Cooper Memorial Lecture & 75th Anniversary Speaker Series, Washington, District of Columbia (via Zoom). Video available at <https://vimeo.com/491257244>.

November 17, 2020: Guest Speaker, George Washington University Law School, Professor Roger Fairfax's Adjudicatory Criminal Procedure Class, Washington, District of Columbia (via Zoom). I served as the judge for a mock sentencing exercise in Professor Fairfax's class and participated in a question and answer session about my legal career. I have no notes, transcript, or recording. The address for George Washington University Law School is 2000 H Street, Northwest, Washington, District of Columbia 20052.

November 12, 2020: Guest Speaker, University of Virginia School of Law, Professor Kimberly Robinson's Seminar in Ethical Values: Women of the Court, Washington, District of Columbia (via Zoom). I spoke to students in Professor Robinson's seminar regarding my legal career. I have no notes, transcript, or recording. The address for the University of Virginia School of Law is 580 Massie Road, Charlottesville, Virginia 22903.

November 10, 2020: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Columbia, Washington, District of Columbia. Notes supplied.

November 4, 2020: Participant, Fireside Chat with Associate Justice Stephen Breyer, Annual Meeting of National Asian Pacific American Bar Association, Washington, District of Columbia (pre-recorded). Video available at <https://www.cand.uscourts.gov/about/interview-with-justice-breyer>.

October 30, 2020: Speaker, Judges' Forum, United States District Court for the District of Columbia, Washington, District of Columbia (via Zoom). I participated in a question and answer session about my legal career with D.D.C. clerks and interns. I have no notes, transcript, or recording. The address of the Court is 333 Constitution Avenue, Northwest, Washington, District of Columbia 20001.

October 1, 2020: Guest Speaker, COVID Conversation Series: Conversations with the Judiciary, University of California Berkeley School of Law, Washington, District of Columbia (via Zoom). I participated in a moderated discussion hosted by Professor Amanda Tyler concerning one of my civil procedure cases, and answered questions about my career path and clerking. I have no notes,

transcript, or recording. The address for the University of California Berkeley School of Law is 225 Bancroft Way, Berkeley, California 94720.

August 5, 2020: Panelist, *Harvard Law Review* Orientation, Harvard Law School, Cape Cod, Massachusetts (via Zoom). I participated in a panel of Law Review alums that highlighted panelists' experiences as editors. I have no notes, transcript, or recording. The address for Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

June 17, 2020: Guest Speaker, Boies Schiller Flexner LLP, Washington, District of Columbia (via Zoom). I participated in a question and answer session with the firm's summer associates regarding my career. I have no notes, transcript, or recording. The address for Boies Schiller Flexner is 1401 New York Avenue, Northwest, Washington, District of Columbia 20005.

April 22, 2020: Special Guest, University of Kentucky Rosenberg College of Law, Professor Joshua Douglas's Constitutional Law Class, Washington, District of Columbia (via Zoom). I spoke briefly with Professor Douglas's students, who were preparing for final examinations, to provide encouragement and reflections. I have no notes, transcript, or recording. The address for the Rosenberg College of Law is 620 South Limestone, Lexington, Kentucky 40506.

March 6, 2020: Mock Court Judge, District of Columbia Circuit Historical Society Mock Court Program, Washington, District of Columbia. I judged a high school mock court competition, and answered questions from participants regarding my background. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Historical Society is 333 Constitution Avenue, Northwest, Room 4726, Washington, District of Columbia 20001.

February 24, 2020: Keynote Speaker, Third Annual Judge James B. Parsons Legacy Dinner, "Three Qualities for Success in Law and Life," Black Law Students Association of the University of Chicago School of Law, Chicago, Illinois. Copy of speech as prepared and press coverage supplied.

February 21, 2020: Speaker, Portrait Ceremony for former Chair of the United States Sentencing Commission, Judge Patti B. Saris, United States Sentencing Commission, Washington, District of Columbia. Copy of speech as prepared supplied.

February 10, 2020: Guest Speaker, Harvard Law School Black Law Students Association, Cambridge, Massachusetts. I participated in a question and answer session with students regarding my career. I have no notes, transcript, or recording. The address for Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

January 20, 2020: Keynote Speaker, University of Michigan Law School, Martin Luther King Jr. Day Celebration, “Courage / Purpose / Authenticity: Black Women Leaders in the Civil Rights Movement Era and Beyond,” University of Michigan Law School, Ann Arbor, Michigan. Copy of speech as prepared, slide deck, and press coverage supplied.

January 20, 2020: Guest Speaker, “Coffee and Clerkships,” University of Michigan Law School, Ann Arbor, Michigan. I participated in a small group question and answer session with law students interested in clerking following graduation. I have no notes, transcript, or recording. The address for the University of Michigan Law School is 625 South State Street, Ann Arbor, Michigan 48109.

December 18, 2019: Participant, Reenactment of Supreme Court case *New Jersey v. TLO* for local area high school students, District of Columbia Circuit Historical Society, Washington, District of Columbia. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Historical Society is 333 Constitution Avenue, Northwest, Room 4726, Washington, District of Columbia 20001.

October 10, 2019: Keynote Speaker, “Rising Through the Ranks: A Tale of Hard Work, Big Breaks & Tough Skin,” Husch Blackwell Diversity Retreat, Washington, District of Columbia. Copy of speech as prepared supplied.

September 10, 2019: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Columbia, Washington, District of Columbia. Notes supplied.

September 9, 2019: Presiding Judge, Attorney Admission Ceremony, United States District Court for the District of Columbia, Washington, District of Columbia. Notes supplied.

July 10, 2019: Panelist, “How to Land a Clerkship: Practical Advice from Judges,” American Constitution Society, Washington, District of Columbia. I participated in a panel discussion regarding the value of clerkships and how to be a competitive candidate. I have no notes, transcript, or recording. The address for the American Constitution Society is 1899 L Street, Northwest, Suite 200, Washington, District of Columbia 20036.

July 8, 2019: Guest Speaker, US-Asia Institute, Szymanski Rule of Law Program, Washington, District of Columbia. I had a discussion with Chinese law students enrolled in this program, who were visiting the District Court, regarding the functioning of the United States federal court system. I have no notes, transcript, or recording. The address for the US-Asia Institute is 232 East Capitol Street, Northeast, Washington, District of Columbia 20003.

June 24, 2019: Mock Argument Judge, “Murder in Mycenae: Did Electra Hold the Knife?,” Shakespeare Theatre Company, Washington, District of Columbia. Video available at <https://www.c-span.org/video/?462003-1/justices-breyer-ginsburg-participate-the-oresteia-mock-trial>.

June 8 – 9, 2019: Mock Trial Program Judge, National Institute of Trial Advocacy, Washington, District of Columbia. I was a judge for a two-day mock trial program that NITA held at the District of Columbia Superior Court. I have no notes, transcript, or recording. The address for the NITA is 1685 38th Street, Suite 200, Boulder, Colorado 80301-2735.

May 1, 2019: Workshop Participant, Colloquium on Courts and the Legal Process, Columbia Law School, New York, New York. Notes supplied.

May 1, 2019: Guest Speaker, Columbia Law School, New York, New York. I participated in a moderated question and answer session with students interested in my career and clerking on the District Court for the District of Columbia. I have no notes, transcript, or recording. The address for Columbia Law School is 435 West 116th Street, New York, New York 10027.

April 9 – 10, 2019: Guest, David T. Lewis Distinguished Jurist-in-Residence, The University of Utah, S.J. Quinney College of Law, Salt Lake City, Utah. As the jurist-in-residence, I visited classes, participated in a question and answer session about my career that was sponsored by the Minority Bar Association and presided over the Traynor moot court competition. I have no notes, transcript, or recording of the class meetings or question and answer session. Video of the moot court argument is available at <https://www.youtube.com/watch?v=08NAICZJxns&feature=youtu.be>. The address for the University of Utah, S.J. Quinney College of Law is 383 South University Street East, Salt Lake City, Utah 84112.

April 3, 2019: Guest Speaker, United States Sentencing Commission, Washington, District of Columbia. I met with a delegation from Taiwan that was visiting the District Court and United States Sentencing Commission, and answered questions about the federal sentencing system. I have no notes, transcript, or recording. The address for the Sentencing Commission is One Columbus Circle, Northeast, Suite 2-500, South Lobby, Washington, District of Columbia 20002.

March 15, 2019: Speaker, Judges’ Forum, United States District Court for the District of Columbia, Washington, District of Columbia. I participated in a question and answer session about my legal career with D.D.C. clerks and interns. I have no notes, transcript, or recording. The address of the Court is 333 Constitution Avenue, Northwest, Washington, District of Columbia 20001.

March 7, 2019: Guest Speaker, “Path to the Bench,” Harvard Chapter of the American Constitution Society, Harvard Law School, Cambridge, Massachusetts. I participated in a question and answer session with students about my path to the bench. I have no notes, transcript, or recording. The address for Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

February 8, 2019: Symposium Panelist, “Judicial Independence and Criminal Law,” Stanford Law Review, Symposium on The Independence of the American Judicial System, Stanford, California. I participated in a moderated panel that compared the experiences of elected state judicial officers and life-tenured federal judges as part of a symposium concerning judicial independence. I have no notes, transcript, or recording. The address for Stanford Law School is 559 Nathan Abbott Way, Stanford, California 94305-8610.

February 7, 2019: Guest Speaker, Stanford Law School Black Law Student Association, Stanford, California. I participated in a question and answer session with students regarding my career and clerking. I have no notes, transcript, or recording. The address for Stanford Law School is 559 Nathan Abbott Way, Stanford, California 94305-8610.

January 11, 2019: Guest Speaker, Harvard Law School Black Law Student Association, Cambridge, Massachusetts. I participated in a question and answer session with BLSA members regarding my career path and career planning. I have no notes, transcript, or recording. The address for Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

November 27, 2018: Guest Speaker, George Washington University Law School, Professor Roger Fairfax’s Adjudicatory Criminal Procedure Class, Washington, District of Columbia. I served as the judge for a mock sentencing exercise in Professor Fairfax’s class and participated in a question and answer session about my legal career. I have no notes, transcript, or recording. The address for George Washington University Law School is 2000 H Street Northwest, Washington, District of Columbia 20052.

November 15, 2018: Panelist, “Hamilton: The Man, the Musical, and the Law,” National Constitution Center and Drexel University Kline School of Law, Philadelphia, Pennsylvania. Video available at <https://constitutioncenter.org/interactive-constitution/town-hall-video/hamilton-the-man-the-musical-and-the-law>.

November 15, 2018: Presiding Judge, “Hamilton & Burr: A Legal Duel,” Drexel University Kline School of Law, Philadelphia, Pennsylvania. I presided over a mock trial of Aaron Burr for the murder of Alexander Hamilton. I have no notes, transcript, or recording, but press coverage is supplied. The address for Drexel University Kline School of Law is 3320 Market Street, Philadelphia, Pennsylvania 19104.

November 8, 2018: Panelist, "Sentencing," National Association of Criminal Defense Lawyers, 14th Annual White Collar Seminar: Defending the White Collar Case, Washington, District of Columbia. I participated in a panel discussion regarding how judges approach sentencing determinations based on hypothetical scenarios involving white collar defendants. I have no notes, transcript, or recording. The address for the National Association of Criminal Defense Lawyers is 1660 L Street, Northwest, 12th Floor, Washington, District of Columbia 20036.

October 9, 2018: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Columbia, Washington, District of Columbia. Notes supplied.

October 1, 2018: Presiding Judge, Attorney Admission Ceremony, United States District Court for the District of Columbia, Washington, District of Columbia. Notes supplied. I also used the same pro bono notes that were provided for the attorney admission ceremony on September 9, 2019.

June 28, 2018: Guest Speaker, Teachers for National Judicial History, Federal Judicial Center, Washington, District of Columbia. I participated in a question and answer session with teachers who had observed a court proceeding as part of a Federal Judicial Center Program. I have no notes, transcript, or recording. The address for the Federal Judicial Center is Thurgood Marshall Federal Judiciary Building, One Columbus Circle, Northeast, Washington, District of Columbia 20002.

June 27, 2018: Guest Speaker, Federal Judicial Center Interns, Federal Judicial Center, Washington, District of Columbia. I participated in a question and answer session with interns who had observed a court proceeding as part of a Federal Judicial Center Program. I have no notes, transcript, or recording. The address for the Federal Judicial Center is Thurgood Marshall Federal Judiciary Building, One Columbus Circle, Northeast, Washington, District of Columbia 20002.

June 14, 2018: Guest Speaker, Metropolitan Police Department Cadets, Metropolitan Police Department of the District of Columbia, Washington, District of Columbia. I participated in a question and answer session in my courtroom with cadets training to be police officers regarding the federal judicial system. I have no notes, transcript, or recording. The address for the Metropolitan Police Department is 300 Indiana Avenue, Northwest, Room 5059, Washington, District of Columbia 20001.

May 3, 2018: Lunchtime Speaker, "Musings at the Midway Point: Reflections on My Journey as a Mother and a Judge," Washington Council of Lawyers' Litigation Skills Training Program, Washington, District of Columbia. Copy of speech as prepared supplied.

March 23, 2018: Speaker, All-School Assembly at Edmund Burke School, Washington, District of Columbia. Notes supplied.

March 16, 2018: Guest Speaker, Florida International University College of Law, Washington, District of Columbia. I participated in a question and answer session with law students who had observed a court proceeding. I have no notes, transcript, or recording. The address for FIU College of Law is 11200 Southwest 8th Street, Rafael Diaz Balart Hall, Miami, Florida 33199.

March 10, 2018: Moderator, Panel on “The Power of Protest and Legal Responses to Threats to Assembly,” American Constitution Society 2018 National Student Convention at Northwestern Law School, Chicago, Illinois. I moderated a panel discussion regarding the right to assembly and the regulation of peaceful public protests. I have no notes, transcript, or recording. The address for Northwestern Law School is 375 East Chicago Avenue, Chicago, Illinois 60611.

January 26, 2018: Speaker, Judges’ Forum, United States District Court for the District of Columbia, Washington, District of Columbia. I participated in a question and answer session about my legal career with D.D.C. clerks and interns. I have no notes, transcript, or recording. The address of the Court is 333 Constitution Avenue, Northwest, Washington, District of Columbia 20001.

January 25, 2018: Moot Court Judge, Penn Law Keedy Cup Competition, University of Pennsylvania Carey Law School, Philadelphia, Pennsylvania. I was one of three judges who presided over the final round of Penn Law’s internal moot court competition. I have no notes, transcript, or recording. The address for Penn Law is 3501 Sansom Street, Philadelphia, Pennsylvania 19104.

December 14, 2017: Participant, *Tinker v. Des Moines* Reenactment, District of Columbia Circuit Historical Society, Washington, District of Columbia. Video available at <https://dcchs.org/tinker-v-des-moines-independent-community-school-district-video-2>.

December 11, 2017: Mock Argument Judge, “How Am I Beguiled? The Case of Olivia & Sebastian (*Twelfth Night*),” Shakespeare Theatre Company, Washington, District of Columbia. Video available at <https://www.c-span.org/video/?438341-1/shakespeare-theatre-company-presents-twelfth-night-mock-trial>.

November 15, 2017: Moot Court Judge, Leahy Moot Court Tournament, Georgetown University Law Center, Washington, District of Columbia. I was one of the judges for the final round of GULC’s internal moot court competition. I have no notes, transcript, or recording. The address for GULC is 600 New Jersey Avenue, Northwest, Washington, District of Columbia 20001.

October 27, 2017: Symposium Panel Moderator, “Looking Forward: Criminal Justice Policy and Reform,” George Washington University Law Review, Washington, District of Columbia. Video available at <https://www.gwlr.org/symposium-2017-the-challenge-of-crime-in-a-free-society-50-years-later/symposium-2017-looking-forward-criminal-justice-policy-and-reform>. (This entry has been updated from my 2021 Senate Judiciary Questionnaire to accurately reflect the title of the panel I moderated.)

October 19, 2017: Dinner Speaker, “Four Lessons My Mother Taught Me,” Council Meeting of the American Law Institute, Washington, District of Columbia. Copy of speech as prepared supplied.

October 8, 2017: Speaker, “The Concept of Justice,” Bradley Hills Presbyterian Church Adult Education Program, Bethesda, Maryland. Copy of speech as prepared supplied.

July 16, 2017: Guest Speaker, Urban Squash Citizenship Tour, National Urban Squash + Education Association, Washington, District of Columbia. I participated in a question and answer session with a group of high school students regarding my career and the courts. I have no notes, transcript, or recording. The address for the National Urban Squash + Education Association is 555 Eighth Avenue, Suite 1102, New York, New York 10018.

July 11, 2017: Guest Speaker, US-Asia Institute, Szymanski Rule of Law Program, Washington, District of Columbia. I had an informal discussion with Chinese law students enrolled in this program regarding the functioning of the United States federal court system. I have no notes, transcript, or recording. The address for the US-Asia Institute is 232 East Capitol Street, Northeast, Washington, District of Columbia 20003.

July 10, 2017: Presiding Judge, Attorney Admission Ceremony, United States District Court for the District of Columbia, Washington, District of Columbia. Notes supplied. I also used the same pro bono notes that were provided for the attorney admission ceremony on September 9, 2019.

June 16, 2017: Guest Speaker, Wilkinson Walsh & Eskovitz Summer Speaker Series, Washington, District of Columbia. I participated in a question and answer session with the firm’s summer associates regarding my career and work as a judge. I have no notes, transcript, or recording. The address for Wilkinson Walsh & Eskovitz (now Wilkinson Stekloff) is 1900 M Street, Northwest, Suite 800, Washington, District of Columbia 20036.

June 8, 2017: Introductory Speaker, “A Conversation with Associate Justice Stephen Breyer,” American Constitution Society Annual National Convention, Washington, District of Columbia. Video available at <https://www.acslaw.org/video/united-states-supreme-court-justice-stephen-breyer->

in-conversation-with-dean-alan-morrison-introduced-by-judge-ketanji-brown-jackson.

June 2, 2017: Panelist, “Tips from the District Court Bench,” United States Sentencing Commission National Seminar, Baltimore, Maryland. I participated in a moderated panel regarding how district court judges prepare for sentencing and how counsel can be most effective during sentencing proceedings. I have no notes, transcript, or recording. The address for the Sentencing Commission is One Columbus Circle, Northeast, Suite 2-500, South Lobby, Washington, District of Columbia 20002.

May 27, 2017: Panelist, “‘92 World Challenges—A Lesson Learned and Action Moving Forward,” Harvard and Radcliffe Class of 1992 25th Reunion, Harvard University, Cambridge, Massachusetts. I participated in a public-service panel discussion at my 25th college reunion about my career choices and challenges. I have no notes, transcript, or recording. The address for Harvard College is University Hall, Cambridge, Massachusetts, 02138.

May 9, 2017: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Columbia, Washington, District of Columbia. Notes and press coverage supplied.

May 1, 2017: Presiding Judge, Attorney Admission Ceremony, United States District Court for the District of Columbia, Washington, District of Columbia. Notes supplied. I also used the same pro bono notes that were provided for the attorney admission ceremony on September 9, 2019.

April 19, 2017: Mock Argument Judge, Georgetown University Law Center, Judge Patricia Millett’s Supreme Court Advocacy course, Washington, District of Columbia. I served as the judge for mock student oral arguments. I have no notes, transcript, or recording. The address of GULC is 600 New Jersey Avenue, Northwest, Washington, District of Columbia 20001.

April 13, 2017: Guest Speaker, George Washington University Law School, Professor Roger Fairfax’s Adjudicatory Criminal Procedure Class, Washington, District of Columbia. I served as the judge for a mock sentencing exercise in Professor Fairfax’s class and participated in a question and answer session about my legal career. I have no notes, transcript, or recording. The address for George Washington University Law School is 2000 H Street, Northwest, Washington, District of Columbia 20052.

April 10, 2017: Guest Lecturer on Federal Sentencing Statistics and Processes, George Washington University Law School, Professor Kimberly Robinson’s Race, Racism, and American Law Class, Washington, District of Columbia. Notes supplied.

April 8, 2017: Keynote Speaker, Harvard Law Review's 130th Spring Banquet, "Disparity, Discretion, and Debate: Understanding the Federal Sentencing Dilemma," Harvard Club of Boston, Boston, Massachusetts. Copy of speech as prepared supplied.

March 22, 2017: Participant, *Tinker v. Des Moines* Reenactment, District of Columbia Circuit Historical Society, Washington, District of Columbia. I played the role of one of the justices in a reenactment of a Supreme Court oral argument for D.C. public high school students. This event was the same reenactment as the event held on December 14, 2017, the video of which is available at <https://dcchs.org/tinker-v-des-moines-independent-community-school-district-video-2>.

March 10, 2017: Mock Court Judge, District of Columbia Circuit Historical Society Mock Court Program, Washington, District of Columbia. I judged a high school mock court competition and answered questions from participants regarding my background and being a judge. I have no notes, transcript, or recording. The address of the Historical Society is 333 Constitution Avenue, Northwest, Room 4726, Washington, District of Columbia 20001.

March 9, 2017: Panelist, "Sentencing and Its Collateral Consequences Impact," 31st Annual National Institute on White Collar Crime, American Bar Association White Collar Section, Miami Beach, Florida. I participated in a moderated panel regarding theories of sentencing reform and the ways in which counsel can be most effective during sentencing proceedings. I have no notes, transcript, or recording. The address for the ABA is 321 North Clark Street, Chicago, Illinois 60654.

March 2, 2017: Edith House Lecturer, "Reflections on my Journey as a Mother and a Judge," University of Georgia School of Law, Athens, Georgia. Video available at https://digitalcommons.law.uga.edu/lectures_pre_arch_lectures_house/41.

January 6, 2017: Guest Speaker, Judges' Forum, United States District Court for the District of Columbia, Washington, District of Columbia. I participated in a question and answer session about my legal career with D.D.C. clerks and interns. I have no notes, transcript, or recording. The address of the Court is 333 Constitution Avenue, Northwest, Washington, District of Columbia 20001.

December 12, 2016: Mock Argument Judge, "Law and *Romeo and Juliet*," Shakespeare Theatre Company, Washington, District of Columbia. Video available at <https://www.c-span.org/video/?419930-1/federal-judges-discuss-romeo-juliet>.

November 17, 2016: Moot Court Judge, Morris Tyler Moot Court of Appeals Harlan Fiske Stone Prize Moot Court Finals, Yale Law School, New Haven,

Connecticut. I was one of three judges who presided over the final round of Yale Law School's internal moot court competition. I have no notes, transcript, or recording. The address for Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

November 17, 2016: Guest Speaker, Yale Law Women, Yale BLSA, and Yale American Constitution Society, New Haven, Connecticut. I participated in career and clerking question and answer sessions with these groups while on campus at Yale Law School to judge the moot court competition. I have no notes, transcript, or recording. The address of Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

July 20, 2016: Panelist, "Perspectives on the Role of Courts in the Continuing Quest for Equality," 2016 NAACP National Convention, Cincinnati, Ohio. I participated in a moderated panel discussion regarding the historical role of the federal courts in protecting civil rights and legal issues that impact communities of color. I have no notes, transcript, or recording. The address for the NAACP is 4805 Mount Hope Drive, Baltimore, Maryland 21215.

June 24, 2016: Mock Trial Judge, American Law Institute, Washington, District of Columbia. I served as a mock trial judge for an environmental litigation mock trial sponsored by the American Law Institute. I have no notes, transcript, or recording. The address of the American Law Institute is 4025 Chestnut Street, Philadelphia, Pennsylvania 19104.

May 10, 2016: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Columbia, Washington, District of Columbia. Notes supplied.

April 10, 2016: Moot Court Judge, Marshall-Brennan National Moot Court Competition, American University Washington College of Law Marshall-Brennan Constitutional Literacy Project, Washington, District of Columbia. I served as a judge for the final round of a national high school moot court competition. I have no notes, transcript, or recording. The address of the AUWCL is 4300 Nebraska Avenue, Northwest, Washington, District of Columbia 20016.

April 4, 2016: Presiding Judge, Attorney Admission Ceremony, United States District Court for the District of Columbia, Washington, District of Columbia. Notes supplied. I also used the same pro bono notes that were provided for the attorney admission ceremony on September 9, 2019.

March 17, 2016: Keynote Speaker, Women's History Month Celebration, "Musings at the Midway Point: Reflections on My Journey as a Mother and a Judge," Administrative Office of United States Courts, Washington, District of Columbia. Copy of speech as prepared supplied.

March 11, 2016: Mock Court Judge, District of Columbia Circuit Historical Society Mock Court Program, Washington, District of Columbia. I judged a high school mock court competition, and answered questions from participants regarding my background and being a judge. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Historical Society is 333 Constitution Avenue, Northwest, Room 4726, Washington, District of Columbia 20001.

February 22, 2016: Guest Speaker, Morrison and Foerster LLP, Washington, District of Columbia. As an alumna of the firm, I participated in a moderated question-and-answer presentation for a Black History Month luncheon. I have no notes, transcript, or recording. The address of the firm is 2100 L Street, Northwest, Washington, District of Columbia 20037.

February 13, 2016: Moot Court Judge, William B. Spong, Jr. Moot Court, Tournament, William & Mary Law School, Williamsburg, Virginia. I served as a moot court judge for the Spong National Moot Court Tournament. I have no notes, transcript, or recording. The address of William & Mary Law School is 613 South Henry Street, Williamsburg, Virginia 23185.

October 27, 2015: Judge, Mock Arbitration, ChIPs Network Global Summit, Washington, District of Columbia. I served as a judge for a mock intellectual property arbitration. I have no notes, transcript, or recording. The address of ChIPs Network, Inc. is 660 4th Street, PMB 350, San Francisco, California 94107.

October 23, 2015: Guest Speaker, Equal Justice Works Conference & Career Fair, Washington, District of Columbia. Along with two other federal judges, I participated in a moderated question and answer panel presentation regarding my experiences as an attorney and judge, and provided advice for young attorneys, at a career fair for public interest lawyers. I have no notes, transcript, or recording. The address for Equal Justice Works is 1730 M Street, Northwest #800, Washington, District of Columbia 20036.

October 20, 2015: Panelist, District of Columbia Office of the Attorney General, Washington, District of Columbia. I participated in a panel of D.C. federal trial court judges attended by employees of the District of Columbia Office of the Attorney General. The panel addressed best practices for litigating in federal court and our experiences as judges. I have no notes, transcript, or recording. The address for the DCOAG is 441 Fourth Street, Northwest, Washington, District of Columbia 20001.

September 17, 2015: Panelist, United States Sentencing Commission Annual National Seminar on the Federal Sentencing Guidelines, New Orleans, Louisiana. I participated in a panel discussion regarding the application of the Sentencing Guidelines to drug offenses, and the retroactivity of recent Guideline

amendments. I have no notes, transcript, or recording. The address for the Sentencing Commission is One Columbus Circle, Northeast, Suite 2-500, South Lobby, Washington, District of Columbia 20002.

September 9, 2015: Speaker, "Fairness in Sentencing: An Examination," Federal Judicial Center National Conference for Pro Se Law Clerks, Santa Fe, New Mexico. Copy of speech as prepared supplied.

May 15, 2015: Guest Speaker, Judges' Forum, United States District Court for the District of Columbia, Washington, District of Columbia. I participated in a question and answer session about my legal career with D.D.C. clerks and interns. I have no notes, transcript, or recording. The address of the Court is 333 Constitution Avenue, Northwest, Washington, District of Columbia 20001.

April 3, 2015: Distinguished Visiting Jurist, The University of Chicago Law School, Chicago, Illinois. I visited the University of Chicago Law School, where I spoke with various student groups about diversity in the legal profession, attended classes, answered student questions, and gave a lunch talk entitled, "Fairness in Sentencing: An Examination." Copy of speech as prepared supplied.

March 26, 2015: Panelist, Penn Law American Constitution Society, 12th Annual Federal Judges Panel, University of Pennsylvania Carey Law School, Philadelphia, Pennsylvania. I participated in a panel discussion regarding criminal justice system reforms, including proposed changes to the federal sentencing system. I have no notes, transcript, or recording. The address of Penn Law is 3501 Sansom Street, Philadelphia, Pennsylvania 19104.

March 20, 2015: Mock Court Judge, District of Columbia Circuit Historical Society Mock Court Program, Washington, District of Columbia. I judged a high school mock court competition, and answered questions from participants regarding my background and being a judge. I have no notes, transcript, or recording. The address of the Historical Society is 333 Constitution Avenue, Northwest, Room 4726, Washington, District of Columbia 20001.

February 25, 2015: Panelist, "A Conversation on Judging – Then and Now," District of Columbia Circuit Historical Society, Washington, District of Columbia. Video available at <https://www.youtube.com/watch?v=QuWMe0IAdv8>.

January 4, 2015: Panelist, Association of American Law Schools Annual Meeting, Washington, District of Columbia. I participated in a panel regarding the importance of academic curricula aimed at teaching legal writing and research. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Association of American Law Schools is 1614 20th Street, Northwest, Washington, District of Columbia 20009.

December 9, 2014: Presiding Judge, United States District Court for the District of Columbia, Naturalization Ceremony, Washington, District of Columbia. Notes supplied.

December 3, 2014: Webinar Panelist, United States Sentencing Commission Knowledge Seminar, Washington, District of Columbia. Video available at <https://www.youtube.com/watch?v=BaDn3MqIHVA&feature=youtu.be>.

December 1, 2014: Presiding Judge, United States District Court for the District of Columbia, Attorney Admission Ceremony, Washington, District of Columbia. Notes supplied. I also used the same pro bono notes that were provided for the attorney admission ceremony on September 9, 2019.

October 27 – 28, 2014: Panelist and Participant, Berkeley Law School Judge Visit, Berkeley, California. I visited Berkeley Law, where I spoke with various student groups about diversity in the legal profession, attended classes, answered student questions, and participated in a panel discussion about the judicial nomination process and my experiences as a judge. I have no notes, transcript, or recording. The address for Berkeley Law is 225 Bancroft Way, Berkeley, California 94720.

September 17, 2014: Panelist, “United States Sentencing Commission: A Year in Review” and Moderator, “Sentencing Forum: Hot Topics in Federal Sentencing,” United States Sentencing Commission, Annual National Seminar on the Sentencing Guidelines, Philadelphia, Pennsylvania. Materials available at <http://www.ussc.gov/training/annual-national-training-seminar/2014-annual-national-seminar#two>.

June 16, 2014: Moderator, Reentry Panel, United States Department of Justice, Smart on Crime Implementation Workshop, Washington, District of Columbia. I moderated an expert discussion of innovative pretrial programs aimed at certain categories of criminal defendants. I have no notes, transcript, or recording. The address for the Department of Justice is 950 Pennsylvania Avenue, Northwest, Washington, District of Columbia 20530.

June 6, 2014: Speaker, Presentation of the Portrait of Chief Judge Patti B. Saris, United States District Court for the District of Massachusetts, Boston, Massachusetts. Copy of speech as prepared supplied.

May 17, 2014: Speaker, Twentieth Anniversary Celebration of Justice Stephen Breyer, Washington, District of Columbia. Copy of speech as prepared supplied.

April 25, 2014: Mock Court Judge, District of Columbia Circuit Historical Society Mock Court Program, Washington, District of Columbia. I judged a high school mock court competition, and answered questions from participants regarding my background and being a judge. I have no notes, transcript, or

recording. The address of the Historical Society is 333 Constitution Avenue, Northwest, Room 4726, Washington, District of Columbia 20001.

April 25, 2014: Guest Speaker, Goodwin Procter LLP, Washington, District of Columbia. I gave informal remarks and professional recommendations to a group of minority and women associates and partners during a luncheon sponsored by Goodwin Procter's Diversity Committee. I have no notes, transcript, or recording. The address of Goodwin Procter is 901 New York Avenue, Northwest, Washington, District of Columbia 20001.

April 4, 2014: Panelist, *Arguendo* Discussion, Woolly Mammoth Theater, Washington, District of Columbia. I participated in a post-performance panel discussion of the play and its legal themes. I have no notes, transcript, or recording. The address of the Woolly Mammoth Theater is 641 D Street, Northwest, Washington, District of Columbia 20004.

March 6, 2014: Panelist, "Sentencing Strategies in White Collar Cases," American Bar Association, 28th National Institute on White Collar Crime, Miami, Florida. I participated in a panel discussion regarding the sentencing guideline that governs economic crimes. I have no notes, transcript, or recording. The address for the ABA is 321 North Clark Street, Chicago, Illinois 60654.

February 26, 2014: Speaker, Phase II Orientation Supreme Court Reception, Federal Judicial Center, Washington, District of Columbia. Copy of speech as prepared supplied.

February 22, 2014: Moot Court Judge, William Minor Lile Moot Court Competition, University of Virginia School of Law, Charlottesville, Virginia. I judged the semifinal round of UVA's internal moot court competition. I have no notes, transcript, or recording. The address of the UVA School of Law is 580 Massie Road, Charlottesville, Virginia 22903.

February 20, 2014: Guest Speaker, Close Up Foundation, Juveniles and Life-Without-Parole Sentences Program, Washington, District of Columbia. I participated in a question and answer session with high school students participating in the program regarding my career and sentencing. I have no notes, transcript, or recording. The address for the Close Up Foundation is 1330 Braddock Place #400, Alexandria, Virginia 22314.

February 17, 2014: Panelist, "Perspectives on the Criminal Justice System," Stanford Black Alumni Association, Washington, District of Columbia. I participated in a moderated panel discussion concerning African Americans in the criminal justice system and proposals for sentencing reforms. I have no notes, transcript, or recording. The address for Stanford in Washington is 2661 Connecticut Avenue, Northwest, Washington, District of Columbia 20008.

February 14, 2014: Guest Speaker, Judges' Forum/Fall & Winter Speaker Series, United States District Court for the District of Columbia, Washington, District of Columbia. I participated in a question and answer session about my legal career with D.D.C. clerks and interns. I have no notes, transcript, or recording. The address of the Court is 333 Constitution Avenue, Northwest, Washington, District of Columbia 20001.

November 21, 2013: Guest Lecturer, George Washington University Law School, Professor Roger Fairfax's Adjudicatory Criminal Procedure Class, Washington, District of Columbia. I used the same notes supplied in relation to the similar lecture on April 2, 2009.

November 1, 2013: Panelist, "Update on Federal Sentencing Law and Policy," American Bar Association, 6th Annual Fall Institute, Washington, District of Columbia. Notes supplied.

October 8, 2013: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Columbia, Washington, District of Columbia. Notes supplied.

October 7, 2013: Presiding Judge, Attorney Admission Ceremony, United States District Court for the District of Columbia, Washington, District of Columbia. I used the same pro bono notes that were provided for the attorney admission ceremony on September 9, 2019.

September 18 – 19, 2013: Panelist, Symposium on Economic Crime, United States Sentencing Commission, Washington, District of Columbia. I participated in a panel discussion of sentencing factors for fraud and other economic crimes. I have no notes, transcript, or recording. The address of the United States Sentencing Commission is One Columbus Circle, Northeast, Suite 2-500, South Lobby, Washington, District of Columbia 20002.

September 10, 2013: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Columbia, Washington, District of Columbia. I have no notes, transcript, or recording. The address of the District Court is 333 Constitution Avenue, Northwest, Washington, District of Columbia 20001.

September 9, 2013: Presiding Judge, Attorney Admission Ceremony, United States District Court for the District of Columbia, Washington, District of Columbia. I used the same pro bono notes that were provided for the attorney admission ceremony on September 9, 2019.

September 4, 2013: Panelist, Plenary Panel, United States Sentencing Commission, Regional Training Seminar, Miami, Florida. Notes supplied.

August 2, 2013: Panelist, Plenary Panel, United States Sentencing Commission, Regional Training Seminar, Washington, District of Columbia. Notes supplied.

May 15, 2013: Guest Speaker, Reception Honoring Women Judges in the DC Metropolitan Area, Greater Washington Area Chapter, Women Lawyers Division, National Bar Association, Washington, District of Columbia. I gave brief remarks at an evening reception regarding my background, position as a judge, and professional recommendations. I have no notes, transcript, or recording. The address of the Greater Washington Area Chapter, Women Lawyers Division, National Bar Association is P.O. Box 77254, Washington, District of Columbia 20013.

May 9, 2013: Speaker, Investiture of Judge Ketanji Brown Jackson, Washington, District of Columbia. Transcript supplied.

April 30, 2013: Guest Speaker, New York University School of Law, Judge John Gleeson's Sentencing Seminar, New York, New York. I was a guest of Judge Gleeson at his sentencing seminar and answered questions from students about the Commission and sentencing in general. I have no notes, transcript, or recording. The address of NYU School of Law is 40 Washington Square South, New York, New York 10012.

April 4, 2013: Guest Lecturer, George Washington University Law School, Professor Roger Fairfax's Adjudicatory Criminal Procedure Class, Washington, District of Columbia. I used the same notes supplied in relation to the similar lecture on April 2, 2009.

March 11, 2013: Guest Lecturer, George Washington University Law School, Professors Aitan Goelman and Adam Hoffinger's Role of the Federal Prosecutor Class, Washington, District of Columbia. I used the same notes supplied in relation to the similar lecture on March 14, 2011.

March 7, 2013: Panel Moderator, "Sentencing Strategy: Advocacy in White Collar Cases," American Bar Association, 27th Annual National Institute on White Collar Crime, Las Vegas, Nevada. I moderated a panel discussion regarding sentencing issues in white collar crime cases. I have no notes, transcript, or recording. The address of the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

October 26, 2012: Panelist, "Update on Federal Sentencing Law: Supreme Court, Appellate, and Legislation," American Bar Association, Criminal Justice Section, Fifth Annual Fall Institute, Washington, District of Columbia. Notes and press coverage supplied.

October 23, 2012: Speaker, Health Ethics Trust's 2012 Healthcare Best Compliance Practices Forum, Alexandria, Virginia. I gave a speech to

compliance officers in the health care industry about the historical development of the federal sentencing guidelines applicable to organizations, and the ways in which the guidelines have led to beneficial compliance and ethics standards in industries such as healthcare. Notes supplied.

October 2, 2012: Speaker, "USSC Plenary Panel: Mandatory Minimum Report," Federal Judicial Center, National Sentencing Institute, Memphis, Tennessee. Notes supplied.

July 26, 2012: Panelist, 35th Annual Training Conference, National Association of Black Narcotic Agents, Washington, District of Columbia. Notes supplied.

June 13 – 15, 2012: Panelist, "United States Sentencing Commission: A Year in Review" and Moderator, "Sentencing Forum: Hot Topics in Federal Sentencing," United States Sentencing Commission, Annual National Seminar on the Sentencing Guidelines, New Orleans, Louisiana. Notes supplied.

May 24, 2012: Panelist, Plenary Session, "The Presentence Report and Departures/Variations," Tampa Bay Chapter of the Federal Bar Association, 21st Annual National Seminar on the Federal Sentencing Guidelines, Saint Petersburg, Florida. Outline supplied.

April 30, 2012: Speaker, "State of the Sentencing Guidelines," Health Care Compliance Association, Annual Compliance Institute, Las Vegas, Nevada. Video available at <http://youtu.be/XFQ9DvKqH20>.

April 17, 2012: Panelist, "New Frontiers in Race and Criminal Justice," NYU Center on the Administration of Criminal Law, New York, New York. Video available at <http://www.youtube.com/watch?v=QSxZd10HovU>.

March 12, 2012: Guest Lecturer, George Washington University Law School, Professors Aitan Goelman and Adam Hoffinger's Role of the Federal Prosecutor Class, Washington, District of Columbia. I used the same notes supplied in relation to the similar lecture on March 14, 2011.

February 28, 2012: Guest presenter, D.C. Class Field Trip sponsored by Professor Lisa McElroy of the Earl Mack School of Law at Drexel University, Washington, District of Columbia. I met with approximately 15 students in Professor McElroy's Supreme Court seminar to discuss my career and work-family balance issues. I have no notes, transcript, or recording. The address of the School of Law is 3141 Chestnut Street, Philadelphia, Pennsylvania 19104.

October 28, 2011: Panelist, American Bar Association, Fourth Annual Sentencing & Reentry Institute and Criminal Justice Legal Educators Colloquium, Washington, District of Columbia. I participated in a panel that provided legislative and case law updates about the state of federal sentencing. I provided

data and information regarding recent amendments to the Guidelines Manual (including the guideline amendments made pursuant to the Fair Sentencing Act) and the proposed priorities of the Commission. Notes supplied.

October 24, 2011: Speaker, Health Ethics Trust's 2011 Healthcare Best Compliance Practices Forum, Washington, District of Columbia. I gave a speech to compliance officers in the health care industry about the U.S. Sentencing Commission, its role in developing the federal sentencing guidelines applicable to organizations, and the ways in which the guidelines have led to the development of beneficial compliance and ethics standards in industries such as healthcare. Notes supplied.

September 28, 2011: Presenter, United States Sentencing Commission, Training Program for the probation officers and United States District Judges of the Northern District of Illinois, Chicago, Illinois. I provided data, training, and information about the guideline amendments made pursuant to the Fair Sentencing Act and the procedures related to retroactive application of those amendments. I met informally with Commission staff and the district's chief probation officers to answer questions about the anticipated impact of the guideline changes. I gave a more formal lunchtime presentation to the judges of the United States District Court. Notes supplied.

June 15, 2011: Panelist, "Sentencing in the Sixth Circuit," Sixth Circuit Judicial Conference, Acme, Michigan. Notes supplied.

June 14, 2011: Panelist, "Update on Key Issues Before the United States Sentencing Commission and Criminal Rules Committee," Ninth Circuit Federal Defenders Retreat, Big Fork, Montana. Notes supplied.

May 27, 2011: Commencement Speaker, Montrose Christian School, Rockville, Maryland. Copy of speech as prepared supplied.

May 23, 2011: Guest Speaker, D.C. Attorneys of Color Workshop, Morrison and Foerster LLP, Washington, District of Columbia. Notes supplied.

May 18 – 20, 2011: Panelist, "United States Sentencing Commission: A Year in Review" and Moderator, "Sentencing Forum: Current Issues and the Future of Federal Sentencing," United States Sentencing Commission, Annual National Seminar on the Sentencing Guidelines, San Diego, California. Notes supplied.

May 6, 2011: Panelist, "Update on Federal Sentencing Law," Tampa Bay Chapter of the Federal Bar Association, Annual National Seminar on the Federal Sentencing Guidelines, Orlando, Florida. Notes supplied.

March 14, 2011: Guest Lecturer, George Washington University Law School, Professors Aitan Goelman and Adam Hoffinger's Role of the Federal Prosecutor Class, Washington, District of Columbia. Notes supplied.

March 1, 2011: Guest presenter, D.C. Class Field Trip sponsored by Professor Lisa McElroy of the Earl Mack School of Law at Drexel University, Washington, District of Columbia. I met with approximately 15 students in Professor McElroy's Supreme Court seminar to discuss my career and work-family balance issues. I have no notes, transcript, or recording. The address of the School of Law is 3141 Chestnut Street, Philadelphia, Pennsylvania 19104.

February 11, 2011: Speaker, training program for federal judges, prosecutors, defense attorneys, and probation officers, United States Sentencing Commission, Macon, Georgia. I gave introductory remarks at the beginning of the guidelines training program. I also answered questions and assisted Commission staff in training participants on how to use the Guidelines Manual. Notes supplied.

November 20, 2010: Panelist, "Bootcamp: Real World Training for Future Success," Women's Bar Association of D.C., Diversity Committee, Washington, District of Columbia. I participated in a panel on professional advancement. I discussed work-family balance issues and provided advice about career development and professional ethics. I have no notes, transcript, or recording. The Women's Bar Association is located at 2020 Pennsylvania Avenue, Northwest, Suite 446, Washington, District of Columbia 20006.

November 5, 2010: Panelist, "United States Sentencing Commission: A Year in Review" and "Update on Sentencing Law," American Bar Association Criminal Justice Section, Sentencing and Reentry Institute, Washington, District of Columbia. Notes supplied.

October 20, 2010: Speaker, training program for federal judges, prosecutors, defense attorneys, and probation officers, United States Sentencing Commission, Saint Thomas, Virgin Islands. I gave introductory remarks at the beginning of the guidelines training program. I also answered questions and assisted Commission staff in training participants on how to use the Guidelines Manual. Notes and brochure supplied.

September 22, 2010: Speaker, training program for the law clerks and Staff Attorneys of the United States Court of Appeals for the Fourth Circuit, United States Sentencing Commission, Richmond, Virginia. I gave introductory remarks at the beginning of the guidelines training program. I also answered questions and assisted Commission staff in training participants on how to use the Guidelines Manual. Notes supplied.

August 4, 2010: Panelist, "Rehabilitation or Restoration in Criminal Punishment: Dead End or Realistic Imperative?" Southeastern Association of Law Schools

(SEALS), Annual Meeting and Conference, Palm Beach, Florida. Notes and PowerPoint slides supplied.

June 17, 2010: Panelist, United States Sentencing Commission, Annual National Seminar on the Federal Sentencing Guidelines, New Orleans, Louisiana. I was part of a plenary “year in review” panel featuring the Commissioners of the United States Sentencing Commission. I have no notes, transcript, or recording. The United States Sentencing Commission is located at One Columbus Avenue, Northeast, Suite 2-500, South Lobby, Washington, District of Columbia 20002.

May 14, 2010: Panelist, “Update on Federal Sentencing Law: Supreme Court, Appellate, and Legislation,” Tampa Bay Chapter of the Federal Bar Association, Annual National Seminar on the Federal Sentencing Guidelines, Saint Petersburg, Florida. Notes supplied.

November 10, 2009: Co-Presenter, Parent Encouragement Project, Kensington, Maryland. PowerPoint slides and notes supplied.

April 2, 2009: Guest Lecturer, Professor Roger Fairfax’s Adjudicatory Criminal Procedure Class, George Washington University Law School, Washington, District of Columbia. I provided an overview of the content and structure of the Sentencing Guidelines and the Supreme Court’s recent jurisprudence on sentencing, from *Booker* to *Kimbrough*. Notes supplied.

March 19, 2009: Faculty, Minority Corporate Counsel Association, 8th Annual CLE Expo, Chicago, Illinois. I gave a PowerPoint presentation entitled, “Inside the Supreme Court of the United States: An Overview.” I also participated in a related panel discussion regarding recent and pending Supreme Court cases of particular interest to business. PowerPoint presentation supplied.

January 9, 2008: Guest Speaker, American University, Professor Carolyn Cox Cohan’s course on Women, The Law, & Litigating For Social Change, Washington, District of Columbia. Notes supplied.

December 5, 2007: Panelist, American Constitution Society event at Jones Day, Washington, District of Columbia. I participated in a panel discussion regarding the representation of Guantanamo detainees and amici in cases before the Supreme Court. Video available at <https://www.youtube.com/watch?v=eC2I00IcR3w>.

November 6 – 10, 2006: Presenter, “Recidivist Enhancements: ACCA, Shepard, and Related Issues,” Federal Defender Orientation Program, Santa Fe, New Mexico. Outline supplied.

November 26, 2001: Guest Lecturer, “Supreme Court As Gatekeeper: Screening Petitions for Original Writs of Habeas Corpus In The Wake of The AEDPA,” Suffolk University Law School, Boston, Massachusetts. Notes supplied.

October 11 – 12, 1987: Original Orator, Sixth Annual William Faulkner Invitational High School Forensics Tournament (Oxford, MI). I delivered “*It’s About Time*” in the first of many high school forensics tournaments at a local and national level as a senior member of the Miami Palmetto Senior High School speech and debate team. Copy of speech as prepared supplied in response to Question 12a.

- i. In 2019, the Committee on Codes of Conduct of the Judicial Conference of the United States issued “Advisory Opinion No. 116: Participation in Educational Seminars Sponsored by Research Institutes, Think Tanks, Associations, Public Interest Groups, or Other Organizations Engaged in Public Policy Debates.” Advisory Opinion No. 116 states: “Where the funding sources are unknown or likely to be from sources engaged in litigation or political advocacy, judges and judicial employees should not participate. The Committee has cautioned that, if there is insufficient information for the judge to decide whether to attend a seminar, then the judge should decline the invitation or take reasonable steps to obtain additional information.” Advisory Opinion No. 116 also states: “where the sources of the funding for the event are unknown, judges and law clerks should inquire as to the specific sources to ensure that there is no actual or potential conflict or appearance of impropriety.”

The Advisory Opinion purports to interpret the Code of Conduct for United States Judges, which is binding on all federal Circuit Court judges (among others). Canon 4(H) of the Code of Conduct states in relevant part that “[a] judge may accept compensation and reimbursement of expenses for the law-related and extrajudicial activities permitted by this Code if the source of the payments does not give the appearance of influencing the judge in the judge’s judicial duties or otherwise give the appearance of impropriety.” Please identify what steps you have taken to comply with the Code of Conduct for United States Judges in attending any such covered seminars since the promulgation of Advisory Opinion No. 116.

I have not attended any covered seminars since the promulgation of Advisory Opinion No. 116.

- 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.

On November 16, 2020, I provided written answers to interview questions for an alumnae profile that Morrison & Foerster released in connection with the firm's 2021 Black History Month celebration. Copy supplied.

On March 10, 2020, I gave a telephone interview to Colleen Walsh of the Harvard Gazette, in connection with Gazette profiles of selected members of the Harvard Board of Overseers. I do not have a transcript; the resulting article is: Colleen Walsh, *Eight Current Overseers Share Their Unique Stories*, Harvard Gazette (June 16, 2020). Copy supplied.

In the winter of 2019, I answered questions posed by a Georgetown Day School staff member for a profile that was published in the school's magazine in connection with my appointment as a GDS trustee. I do not have a transcript; the resulting article is: *Meet the Trustees 2019–2020*, Georgetown Days Magazine, Winter 2019/20, at 48. Copy supplied.

On January 11, 2019, I gave a telephone interview to Janell Ross of NBC News in connection with a profile of my career for the NBCBLK series *She Thrives: Black Women Making History*. I do not have a transcript; the resulting article is: Adrian Bellet, *Ketanji Brown Jackson: A decisive force applying rules to any and all*, NBC News (Jan. 31, 2019). Copy supplied.

In early 2016, in connection with my candidacy for a position on the Harvard Board of Overseers, I responded to a questionnaire that an advocacy group called "Coalition for a Diverse Harvard" sent to all candidates. On March 28, 2016, Harvard Magazine published an article regarding the election, *Contested Harvard Overseer Election Begins*, Harvard Magazine (Mar. 28, 2016), which quoted my response to the questionnaire. I did not give any interview in connection with the article. Copy supplied.

On April 30, 2012, I was interviewed during a live radio RACMonitor program broadcast from the Health Care Compliance Association's Compliance Institute in Las Vegas and answered prepared questions regarding the United States Sentencing Commission's role in developing the federal sentencing guidelines for organizations. Notes supplied.

On November 19, 2008, I gave a telephone interview to Mark Sherman of the Associated Press regarding *Al-Marri v. Pucciarelli*. To my knowledge, there was no resulting article, and I do not have a transcript.

In the summer of 2008, I gave an interview to Elinor J. Brecher in connection with an article that she was writing about the death of my former speech and debate coach. I do not have a transcript; the resulting article is: Elinor J. Brecher, *Dedicated Debate Legend Was an 'Unforgettable Hero,'* Miami Herald (Aug. 7, 2008). Copy supplied.

In the spring of 2007, I gave an interview to Kevin Merida and Michael A. Fletcher in connection with an article that they were writing about Justice Thomas. I do not have a transcript; the resulting article is: Kevin Merida & Michael A. Fletcher, *Justice Thomas's Life: A Tangle of Poverty, Privilege and Race*, Wash. Post (Apr. 22, 2007). Copy supplied. My comments were also included in Kevin Merida & Michael A. Fletcher, *SUPREME DISCOMFORT: THE DIVIDED SOUL OF CLARENCE THOMAS* (2007).

On December 11, 2000, I was interviewed by CNN host Leon Harris after the United States Supreme Court stayed the Florida state supreme court's order requiring a statewide manual recount of the ballots cast in Florida during the Presidential election. Recording supplied.

In the fall of 1990, I gave an interview to Boston Globe reporter in connection with the newspaper's coverage of a sit-in at Harvard University. I do not have a transcript; the resulting article is: *Harvard Students End Sit-In Protest, Demand More Afro-American Faculty*, Bos. Globe (Nov. 17, 1990). Copy supplied.

In the spring of 1988, Jonathan Karp published an article regarding a program that took place at my high school and quoted statements that I made during the program. I do not recall giving him an interview; the article he wrote is: Jonathan Karp, *Palmetto Students Examine Their Values*, Miami Herald (Apr. 17, 1988). Copy supplied. (Because this article is from when I was in high school, it is not responsive to this question but I am including it because it was inadvertently listed in my 2012 Senate Judiciary Questionnaire.)

In the fall of 1987, Teresa Smith published an article regarding a visit that the Secretary of the Interior made to my high school and quoted a statement that I made during a question-and-answer session with the Secretary. I do not recall giving her an interview; the article she wrote is: Teresa Smith, *Secretary is Grilled on Policies*, Miami Herald (Oct. 4, 1987). Copy supplied. (Because this article is from when I was in high school, it is not responsive to this question but I am including it because it was inadvertently listed in my 2012 Senate Judiciary Questionnaire.)

- f. If, in connection with any public office you have held, there were any reports, memoranda, or policy statements prepared or produced with your participation, supply four (4) copies of these materials. Also provide four (4) copies of any resolutions, motions, legislation, nominations, or other matters on which you voted as an elected official, the corresponding votes and minutes, as well as any speeches or statements you made with regard to policy decisions or positions taken. "Participation" includes, but is not limited to, membership in any subcommittee, working group, or other such group, which produced a report, memorandum, or policy statement, even where you did not contribute to it. If any of these materials are not available to you, please give the name of the document,

the date of the document, a summary of its subject matter, and where it can be found.

I have not participated in the preparation of any such materials other than those listed in response to Questions 12b and 12c.

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

2013 – 2021: United States District Judge, United States District Court for the District of Columbia. This is an appointed position. The district court has jurisdiction that is provided to it by Congress, as set forth in Title 28 of the United States Code, sections 1330 to 1369, which includes cases arising under the Constitution or federal laws, certain cases between citizens of different states, actions against foreign states, and bankruptcy appeals. The district court also has jurisdiction over federal crimes and related violations of the D.C. Code.

2021 – Present: United States Circuit Judge, United States Court of Appeals for the District of Columbia Circuit. This is an appointed position. The court of appeals has jurisdiction that is provided to it by Congress, as set forth in Title 28 of the United States Code, sections 1291 to 1296, which includes appeals of final decisions of district courts and of certain interlocutory orders, and well as petitions seeking review of certain agency actions.

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

During my time as a United States District Judge, I presided over twelve trials: nine jury trials and three bench trials (two of the bench trials involved the same case). The breakdown of the types of trials over which I presided appears below.

Of these, approximately what percent were:

- | | | |
|-----|-----------------------|-----|
| i. | jury trials: | 75% |
| | bench trials: | 25% |
| ii. | civil proceedings: | 50% |
| | criminal proceedings: | 50% |

- b. Provide citations for all opinions, dispositive orders, and orders affecting injunctive relief you have written, published and unpublished, including concurrences and dissents. If any of the opinions listed are not available on Westlaw, provide copies of the opinions.

To my recollection, and through a review of my files and court records and searches of publicly available databases by persons acting on my behalf, I have located the following opinions, dispositive orders, and orders affecting injunctive relief that I have written. It is possible that a few opinions, dispositive orders, and orders affecting injunctive relief were not captured by these searches, and thus are not listed below.

I found two opinions that I have written and issued, to date, in my time as a Circuit Judge:

Wye Oak Tech., Inc. v. Republic of Iraq, 24 F.4th 686 (D.C. Cir. 2022)

Am. Fed'n of Gov't Emps., AFL-CIO v. Fed. Lab. Rels. Auth., No. 20-1396, 2022 WL 287906 (D.C. Cir. Feb. 1, 2022)

In addition, I issued a statement concurring in the court's *per curiam* order in *I.A. v. Garland*, No. 20-5271 (D.C. Cir. Feb. 24, 2022). Copy supplied.

I found a total of 578 opinions, dispositive orders, and orders affecting injunctive relief that I issued as a District Judge: 436 of those were in cases that were assigned to me through the district court's random assignment system, and 142 related to screening matters that I was assigned to handle while I was on duty as the Motions Judge. Opinions, dispositive orders, and orders affecting injunctive relief not available on Westlaw are supplied.

The citations that follow are the opinions, dispositive orders, and orders affecting injunctive relief that I wrote in cases that were randomly assigned to me for decision. Where such opinions, dispositive orders, and orders affecting injunctive relief are not available on Westlaw, copies are supplied.

Consumers for Auto Reliability & Safety v. Fed. Trade Comm'n, No. 17-cv-0540, 2021 WL 4050876 (D.D.C. Sept. 6, 2021)

Tyson v. DeJoy, No. 16-cv-2087, 2021 WL 4131603 (D.D.C. Aug. 27, 2021)

Youssef v. Embassy of United Arab Emirates, No. 17-cv-2638, 2021 WL 3722742 (D.D.C. Aug. 23, 2021)

Amobi v. Brown, No. 08-cv-1501, 2021 WL 3722710 (D.D.C. Aug. 23, 2021)

Kovalevich v. U.S. Dep't of Just. Exec. Off. for U.S. Att'ys, No. 18-cv-1671, 2021 WL 3616890 (D.D.C. Aug. 16, 2021)

Env't Integrity Project v. Gen. Servs. Admin., No. 18-cv-0042, 2021 WL 3464337 (D.D.C. Aug. 6, 2021)

Est. of Mickens v. U.S. Bank Nat'l Ass'n, No. 18-cv-928, 2021 WL 3418955, (D.D.C. Aug. 5, 2021)

Sourgoutsis v. U.S. Capitol Police, No. 16-cv-1096, 2021 WL 3053388 (D.D.C. July 20, 2021)

Fredericks v. U.S. Dep't of the Interior, No. 20-cv-2458, 2021 WL 2778575 (D.D.C. July 2, 2021)

Davis v. Yellen, No. 08-cv-447, 2021 WL 2566763 (D.D.C. June 22, 2021)

Kovalevich v. Bureau of Indian Affs., No. 18-cv-0610, 2021 WL 2417348 (D.D.C. June 14, 2021)

CapitalKeys, LLC v. Democratic Republic of Congo, No. 15-cv-2079, 2021 WL 2255362 (D.D.C. June 3, 2021)

PSV Enters., LLC v. U.S. Citizenship & Immigr. Servs., No. 20-cv-2287, 2021 WL 2115251 (D.D.C. May 25, 2021)

Calderon-Lopez v. Saul, No. 19-cv-1851, 2021 WL 2103224 (D.D.C. May 25, 2021)

Martins Okoro v. Pompeo, No. 20-cv-2451, Mem. Op., ECF No. 16 (D.D.C. May 5, 2021)

Osvatics v. Lyft, Inc., 535 F. Supp. 3d 1 (D.D.C. 2021)

Equal Rights Ctr. v. Uber Techs., Inc., 17-cv-1272, 2021 WL 981011 (D.D.C. March 15, 2021)

Raja v. FDIC, 16-cv-0511, 2021 WL 508578 (D.D.C. Feb. 11, 2021)

United States v. Greene, 71-cr-1913, 2021 WL 354446 (D.D.C. Feb. 2, 2021)

United States v. Terry, 14-cr-00009, 2020 WL 7773389 (D.D.C. Dec. 29, 2020)

Maryland v. U.S. Dep't of Educ., 17-cv-2139, 2020 WL 7773390 (D.D.C. Dec. 29, 2020)

Rae v. Child.'s Nat'l Med. Ctr., 15-cv-0736, 2020 WL 7693612 (D.D.C. Dec. 28, 2020)

Snowden v. Zinke, 15-cv-1382, 2020 WL 7248349 (D.D.C. Dec. 9, 2020)

Lewis v. Allstate Ins. Co., 19-cv-2628, Mem. Op., ECF No. 28 (D.D.C. Nov. 30, 2020)

Las Americas Immigrant Advoc. Ctr. v. Wolf, 507 F. Supp. 3d 1 (D.D.C. 2020)

Sourgoutsis v. U.S. Capitol Police, 16-cv-1096, 2020 WL 6887782 (D.D.C. Nov. 24, 2020)

W.S. v. District of Columbia, 502 F. Supp. 3d 102 (D.D.C. 2020)

Kiakombua v. Wolf, 498 F. Supp. 3d 1 (D.D.C. 2020)

Dockery v. Maidrana, 16-cv-0308, Mem. Op. & Order, ECF No. 41 (D.D.C. Oct. 23, 2020)

United States v. Becton, 07-cr-131-01, Mem. Op. & Order, ECF No. 592 (D.D.C. Oct. 23, 2020)

Baisden v. Barr, 19-cv-3105, 2020 WL 6118181 (D.D.C. Oct. 16, 2020)

Calderón-López v. Wash. Metro. Area Transit Auth., 20-cv-0087, Mem. Op., ECF No. 11 (D.D.C. Oct. 14, 2020)

Yanofsky v. U.S. Dep't of Com., 19-cv-2290, 2020 WL 5944448 (D.D.C. Oct. 6, 2020)

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Ackers v. DNC Servs. Corp., 17-cv-0990 (UNA), Mem. Op., ECF No. 3 (D.D.C. May 24, 2017)

Nunnally v. Admin. Office of the U.S. Courts Dir., 17-cv-0972 (UNA), Mem. Op., ECF No. 4 (D.D.C. May 23, 2017)

Branch v. Att'y Gen., 17-cv-0971 (UNA), Mem. Op., ECF No. 3 (D.D.C. May 23, 2017)

Villanueva v. United States, 17-cv-0938 (UNA), Mem. Op., ECF No. 3 (D.D.C. May 19, 2017)

Mumin v. Holder, 17-cv-0726 (UNA), Mem. Op., ECF No. 6 (D.D.C. May 19, 2017)

Jones v. Bowser, 16-cv-2261 (UNA), Mem. Op., ECF No. 6 (D.D.C. May 19, 2017)

In re Sealed Adoption Record, 19-ad-0011 (RMM), Mem. Op., ECF No. 12 (D.D.C. May 12, 2017)

Moore v. U.S. Justice Dep't, 17-cv-0899 (UNA), Mem. Op., ECF No. 3 (D.D.C. May 12, 2017)

Watford v. Fossum, 17-cv-0897 (UNA), Mem. Op., ECF No. 4 (D.D.C. May 12, 2017)

Tiburcio v. United States, 17-cv-0893 (UNA), Mem. Op., ECF No. 3 (D.D.C. May 12, 2017)

Smith v. United States, 17-cv-0889 (UNA), Mem. Op., ECF No. 4 (D.D.C. May 12, 2017)

Quiroz v. Moran, 17-cv-0886 (UNA), Mem. Op., ECF No. 3 (D.D.C. May 12, 2017)

Navon v. United States, 17-cv-0879 (UNA), Mem. Op., ECF No. 3 (D.D.C. May 12, 2017)

Doss v. U.S. Probation Office, 17-cv-0093 (UNA), Mem. Op., ECF No. 4 (D.D.C. May 12, 2017)

Haas v. Trump, 17-cv-0861 (UNA), Mem. Op., ECF No. 4 (D.D.C. May 9, 2017)

Hutchins v. U.S. Dep't of Disability, 16-cv-1705 (UNA), 2016 WL 9456348 (D.D.C. Aug. 22, 2016)

Esposito v. U.S. Ct., 16-cv-1699 (UNA), Mem. Op., ECF No. 4 (D.D.C. Aug. 22, 2016)

Malone v. Dist. Hosp. Partners, L.P., 16-cv-1685 (UNA), Mem. Op., ECF No. 3 (D.D.C. Aug. 18, 2016)

Schweigert v. U.S. Elections, 16-cv-1706 (UNA), Mem. Op., ECF No. 3 (D.D.C. Aug. 22, 2016)

Malone v. D.C. Housing Auth., 16-cv-1686 (UNA), 2016 WL 9456347 (D.D.C. Aug. 18, 2016)

Brown v. Carter, 16-cv-1025 (BAH), Mem. Op., ECF No. 4 (D.D.C. May 31, 2016)

Baker v. U.S. Housing Auth., 16-cv-1017 (UNA), Mem. Op., ECF No. 3 (D.D.C. May 31, 2016)

Beers v. Lynch, 16-cv-1016 (UNA), Mem. Op., ECF No. 4 (D.D.C. May 31, 2016)

Wedington v. United States, No. 16-cv-1014 (UNA), Mem. Op., ECF No. 5 (D.D.C. May 31, 2016)

Reed v. Lynch, 16-cv-0682 (UNA), Mem. Op., ECF No. 5 (D.D.C. May 31, 2016)

Nero v. United States, 16-cv-0984 (UNA), Mem. Op., ECF No. 4 (D.D.C. May 24, 2016)

Grant v. Danville Mem. Hosp., 16-cv-0983 (UNA), Mem. Op., ECF No. 3 (D.D.C. May 24, 2016)

Berry v. Lynch, 16-cv-0982 (UNA), Mem. Op., ECF No. 3 (D.D.C. May 24, 2016)

Edmunds v. Bush, 16-cv-0979 (UNA), Mem. Op., ECF No. 3 (D.D.C. May 24, 2016)

Ballard v. United States, 16-cv-0973 (UNA), Mem. Op., ECF No. 3 (D.D.C. May 24, 2016)

Guar v. World Bank Grp., 16-cv-0948 (UNA), Mem. Op., ECF No. 3 (D.D.C. May 19, 2016)

Heard v. U.S. Att’y Gen., 16-cv-0944 (UNA), Mem. Op., ECF No. 3 (D.D.C. May 19, 2016)

Rowe v. Deutsche Bank, 16-cv-0897 (UNA), Mem. Op., ECF No. 3 (D.D.C. May 11, 2016)

Reynolds v. Hodges, 16-cv-0895 (UNA), Mem. Op., ECF No. 3 (D.D.C. May 11, 2016)

Reynolds v. Morrison, 16-cv-0894 (UNA), Mem. Op., ECF No. 3 (D.D.C. May 11, 2016)

Carroll v. Florida, 16-cv-0837 (UNA), Mem. Op., ECF No. 3 (D.D.C. May 11, 2016)

Modrall v. Starr, 224 F. Supp. 3d 62 (D.D.C. 2016)

Hemby v. Fairfax Village Condo. IV Ass’n, Inc., 15-cv-1337 (UNA), Mem. Op., ECF No. 3 (Aug. 18, 2015)

Miller v. New Salem Baptist Church, 15-cv-1332 (UNA), Mem. Op., ECF No. 3 (D.D.C. Aug. 17, 2015)

Rossmann v. United States, 14-cv-2205 (UNA), Mem. Op., ECF No. 3 (D.D.C. Dec. 30, 2014)

Quartey v. Bush, 14-cv-2169 (UNA), 2014 WL 7372739 (D.D.C. Dec. 19, 2014)

Quinn v. Dep’t of Human Servs., 14-cv-2166 (UNA), 2014 WL 7345152 (D.D.C. Dec. 19, 2014)

Quartey v. Obama, 14-cv-2168 (UNA), 2014 WL 7372840 (D.D.C. Dec. 19, 2014)

Miller v. Lipscombs, 14-cv-2171 (UNA), 2014 WL 7350699 (D.D.C. Dec. 19, 2014)

Martinez v. Weinstein, 14-cv-2164 (UNA), 2014 WL 7372720 (D.D.C. Dec. 19, 2014)

Ahmed v. Riaz, 14-cv-2207 (UNA), 2014 WL 7463860 (D.D.C. Dec. 19, 2014)

Swindler v. United States, 14-cv-2179 (UNA), 2014 WL 7372830 (D.D.C. Dec. 19, 2014)

Murray v. Bush, 14-cv-2172 (UNA), 2014 WL 7372818 (D.D.C. Dec. 19, 2014)

Burnell v. Off. of Att’y Gen. of U.S., 14-cv-2206 (UNA), 2014 WL 7411036 (D.D.C. Dec. 19, 2014)

Becton v. United States, 14-cv-2176 (UNA), 2014 WL 7372823 (D.D.C. Dec. 19, 2014)

Cobble v. Blalock, 14-cv-2177 (UNA), 2014 WL 7372835 (D.D.C. Dec. 19, 2014)

Greely v. Leefer, 14-cv-1852 (UNA), 2014 WL 7183811 (D.D.C. Dec. 17, 2014)

Branch v. United States, 14-cv-1939 (UNA), 2014 WL 7183633 (D.D.C. Dec. 17, 2014)

Dunlap v. Superior Court, 14-cv-1699 (UNA), 2014 WL 7191048 (D.D.C. Dec. 17, 2014)

Amin-Bey v. United States, 14-cv-1111 (UNA), 2014 WL 7183610 (D.D.C. Dec. 17, 2014)

Williams v. Frost, 14-cv-1731 (UNA), 2014 WL 7191235 (D.D.C. Dec. 17, 2014)

Montes v. Economus, 14-cv-2145 (UNA), 2014 WL 7284304 (D.D.C. Dec. 12, 2014)

Saunders v. Flowers-Conti, 14-cv-870 (UNA), 2014 WL 7172209 (D.D.C. Dec. 12, 2014)

Thomas v. District of Columbia, 14-cv-2146 (UNA), 2014 WL 7240535 (D.D.C. Dec. 12, 2014)

Higgins v. D.C. Civil Actions Small Claims, 14-cv-2091 (UNA), Mem. Op., ECF No. 3 (D.D.C. Dec. 12, 2014)

De La Cruz v. United States, 14-cv-2120 (UNA), 2014 WL 7171971 (D.D.C. Dec. 8, 2014)

Higgins v. King, 14-cv-2121 (UNA), 2014 WL 7391130 (D.D.C. Dec. 8, 2014)

Hughes v. United States, 14-cv-2122 (UNA), 2014 WL 7172208 (D.D.C. Dec. 8, 2014)

Karr v. Kerry, 14-cv-2099 (UNA), 2014 WL 7139660 (D.D.C. Dec. 5, 2014)

Higgins v. FBI, 14-cv-2092 (UNA), 2014 WL 7156833 (D.D.C. Dec. 5, 2014)

Matthews v. Samuels, 14-cv-1565 (UNA), 2014 WL 4555694 (D.D.C. Sept. 15, 2014)

Gbikpi v. U.S. Att'y Gen., 14-cv-1564 (UNA), 2014 WL 4626231 (D.D.C. Sept. 15, 2014)

Fletcher v. Dep't. of Educ., 14-cv-1560 (UNA), 2014 WL 4555695 (D.D.C. Sept. 12, 2014)

Griffith v. Inouye, 13-cv-1915 (UNA), 2013 WL 6327828 (D.D.C. Dec. 4, 2013)

Rowland v. Civil Division, 13-cv-1925 (UNA), 2013 WL 6570950 (D.D.C. Dec. 4, 2013)

Rowland v. Army Nat'l Guard, 13-cv-1927 (UNA), Mem. Op., ECF No. 3 (D.D.C. Dec. 4, 2013)

Ray v. Olender, 13-cv-1834 (UNA), 2013 WL 6124280 (D.D.C. Nov. 21, 2013)

Holiday v. United States, 13-cv-1165 (UNA), 2013 WL 5786589 (D.D.C. Oct. 28, 2013)

Scott v. Parole Comm'n, 13-cv-1683 (UNA), 2013 WL 5817577 (D.D.C. Oct. 28, 2013)

Butler v. Cal. State Disbursement Unit, 990 F. Supp. 2d 8 (D.D.C. 2013)

Bey v. Wash. Cnty. Sheriff's Off., 13-cv-1687 (UNA), 2013 WL 6115774 (D.D.C. Oct. 28, 2013)

Gonzalez v. Stone, 13-cv-1647 (UNA), 2013 WL 5811775 (D.D.C. Oct. 25, 2013)

White v. Obama, 13-cv-1659 (UNA), 2013 WL 5817472 (D.D.C. Oct. 25, 2013)

Rowland v. Judge in Chambers, 13-cv-1657 (UNA), 2013 WL 5817031 (D.D.C. Oct. 25, 2013)

Idrogo v. Foxx, 990 F. Supp. 2d 5 (D.D.C. 2013)

Rowland v. U.S. Superior Ct., 13-cv-1658 (UNA), 2013 WL 5817007 (D.D.C. Oct. 25, 2013)

Gonzalez v. Stone, 13-cv-1647 (ABJ), Mem. Op., ECF No. 4 (D.D.C. Oct. 25, 2013)

Barnett v. United States, 987 F. Supp. 2d 62 (D.D.C. 2013)

Brodzki v. United States, 13-cv-1634 (UNA), 2013 WL 5778329 (D.D.C. Oct. 24, 2013)

Brodzki v. United States, 13-cv-1630 (UNA), 2013 WL 5777833 (D.D.C. Oct. 24, 2013)

Heffernan v. Eisner, 13-cv-1369 (UNA), 2013 WL 4832790 (D.D.C. Sept. 9, 2013)

- c. Provide citations to all cases in which you were a panel member, but did not write an opinion. If any of the opinions listed are not available on Westlaw, provide copies of the opinions.

To my recollection, and through a review of my files and court records and searches of publicly available databases by persons acting on my behalf, I have located the following 38 cases where I was a panel member, but did not write the opinion. It is possible that a few cases were not captured by these searches, and thus are not listed below.

In re NTE Connecticut, LLC, No. 22-1011, 2022 WL 552060 (D.C. Cir. Feb. 24, 2022)

Williams v. Romarm, SA, Mfr., Imp. & Distrib. of Semiautomatic Assault Weapon WASR10, Ser. No. CA4367-70, No. 21-7010, 2022 WL 412449 (D.C. Cir. Feb. 3, 2022)

Berka v. U.S. Nuclear Regul. Comm'n, No. 21-1134, 2022 WL 412470 (D.C. Cir. Feb. 3, 2022)

Horton v. U.S. Att'y Gen., No. 21-5084, 2022 WL 412448 (D.C. Cir. Feb. 3, 2022)

Nelson v. Burgemeister, No. 21-7058, 2022 WL 412473 (D.C. Cir. Feb. 3, 2022)

United States v. Bauer, No. 21-3068, 2022 WL 298923 (D.C. Cir. Jan. 24, 2022)

Toomer v. Austin, No. 20-5184, 2022 WL 301561 (D.C. Cir. Jan. 21, 2022)

Klayman v. Blackburne-Rigsby, No. 21-7069, 2022 WL 298933 (D.C. Cir. Jan. 20, 2022)

Thompson v. Garland, No. 21-5146, 2022 WL 298931 (D.C. Cir. Jan. 20, 2022)

Weidrick v. Biden, No. 21-5247, 2022 WL 190758 (D.C. Cir. Jan. 18, 2022)

RICU LLC v. U.S. Dep't of Health & Hum. Servs., 22 F.4th 1031 (D.C. Cir. 2022)

Am. Pub. Gas Ass'n v. U.S. Dep't of Energy, 22 F.4th 1018 (D.C. Cir. 2022)

United States v. Lang, No. 21-3066, 2022 WL 127437 (D.C. Cir. Jan. 12, 2022)

Ball v. U.S. Dep't of State, No. 21-5184, 2022 WL 102562 (D.C. Cir. Jan. 6, 2022)

Welenc v. U.S. Dep't of Just., No. 20-5025, 2022 WL 363815 (D.C. Cir. Jan. 6, 2022)

Weissman v. Nat'l R.R. Passenger Corp., 21 F.4th 854 (D.C. Cir. 2021)

Karr v. Fed. Commc'ns Comm'n, No. 20-1288, 2021 WL 6102442 (D.C. Cir. Dec. 22, 2021)

Webster v. Del Toro, No. 21-5040, 2021 WL 6102269 (D.C. Cir. Dec. 15, 2021)

Trump v. Thompson, 20 F.4th 10 (D.C. Cir. 2021)

Louisiana Pub. Serv. Comm'n v. FERC, 20 F.4th 1 (D.C. Cir. 2021)

Burnett v. Dep't of Just., No. 21-5092, 2021 WL 6102268 (D.C. Cir. Dec. 3, 2021)

Kline v. Ahuja, No. 20-5220, 2021 WL 5537701 (D.C. Cir. Nov. 23, 2021)

United States v. Miller, No. 20-3079, 2021 WL 5537694 (D.C. Cir. Nov. 22, 2021)

Cunningham v. Wright, No. 21-5173, 2021 WL 5537749 (D.C. Cir. Nov. 18, 2021)

Panarello v. Haaland, No. 21-5035, 2021 WL 5537743 (D.C. Cir. Nov. 18, 2021)

United States v. Johnson, No. 21-3061, 2021 WL 5537704 (D.C. Cir. Nov. 17, 2021)

United States v. Brown, No. 21-3063, 2021 WL 5537705 (D.C. Cir. Nov. 17, 2021)

Al Seraji v. Mayorkas, No. 21-5007, 2021 WL 5537735 (D.C. Cir. Nov. 16, 2021)

Marcus v. Transp. Sec. Admin., No. 21-1225, 2021 WL 5537742 (D.C. Cir. Nov. 12, 2021)

Faris v. Transp. Sec. Admin., No. 21-1221, 2021 WL 5537740 (D.C. Cir. Nov. 12, 2021)

Wall v. Transp. Sec. Admin., No. 21-1220, 2021 WL 6502226 (D.C. Cir. Nov. 10, 2021)

Schindler Elevator Corp. v. Wash. Metro. Area Transit Auth., 16 F.4th 294 (D.C. Cir. 2021)

United States v. Jin, No. 20-3008, 2021 WL 5262542 (D.C. Cir. Oct. 15, 2021)

Gallardo v. Trump, No. 20-5366, 2021 WL 4768373 (D.C. Cir. Sept. 23, 2021)

United States v. Perkins, 857 F. App'x 663 (D.C. Cir. 2021)

Alabama Ass'n of Realtors v. U.S. Dep't of Health & Hum. Servs., No. 21-5093, 2021 WL 3721431 (D.C. Cir. Aug. 20, 2021)

Mnyandu El v. Van der Bellen, 856 F. App'x 324 (D.C. Cir. 2021)

United States v. Khater, 856 F. App'x 322 (D.C. Cir. 2021)

- d. For each of the 10 most significant cases over which you sat, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel of record, designating which counsel was principal counsel; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported and not available on Westlaw).

1. *Am. Fed'n of Gov't Emps., AFL-CIO v. Fed. Lab. Rels. Auth.*, No. 20-1396, 2022 WL 287906 (D.C. Cir. Feb. 1, 2022)

Public-sector labor unions filed a petition seeking review of a policy statement issued by the Federal Labor Relations Authority ("FLRA"), which raised the threshold at which management-initiated changes to conditions of employment in certain public-sector workplaces trigger a bargaining obligation under the Federal Service Labor-Management Relations Statute. I wrote for a unanimous panel, granting the petition for review and vacating the challenged policy statement, holding that the FLRA's decision to abandon a longstanding policy in favor of the new threshold was insufficiently reasoned and thus was arbitrary and capricious in violation of the Administrative Procedure Act.

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2. *Committee on the Judiciary v. McGahn*, 415 F. Supp. 3d 148 (D.D.C. 2019), *vacated and remanded*, 951 F.3d 510 (D.C. Cir. 2020), *reh'g en banc granted, opinion vacated sub nom. United States House of Representatives v. Mnuchin*, No. 19-5176, 2020 WL 1228477 (D.C. Cir. Mar. 13, 2020), *and on reh'g en banc*, 968 F.3d 755 (D.C. Cir. 2020), *and aff'd in part, remanded in part*, 968 F.3d 755 (D.C. Cir. 2020), *and rev'd and remanded*, 973 F.3d 121 (D.C. Cir. 2020), *reh'g en banc granted, opinion vacated* (Oct. 15, 2020)

The Committee on the Judiciary of the House of Representatives filed a lawsuit to compel former White House Counsel Don McGahn to comply with a subpoena to appear and testify before the Committee in connection with the Committee's investigation of foreign interference during the 2016 presidential election. I granted the Committee's motion for partial summary judgment and denied the Department of Justice's cross-motion for summary judgment, finding that the inter-branch subpoena dispute was a justiciable matter that the Committee had Article III standing to pursue in federal court; that the Committee had a cause of action to seek enforcement of its subpoena; and that the President does not have the power to prevent his aides from responding to legislative subpoenas on the

basis of absolute testimonial immunity. On appellate review, over the course of two opinions, a divided panel of the D.C. Circuit reversed my rulings on standing and cause of action, but the entire D.C. Circuit granted en banc review twice, and has now vacated both panel reversals. The en banc D.C. Circuit affirmed my conclusion that the Judiciary Committee has standing to adjudicate its subpoena enforcement claims in federal court notwithstanding the inter-branch nature of the dispute. Before the en banc court was able to hear the appeal related to whether there is a cause of action, the parties settled the case.

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3. *Am. Meat Inst. v. U.S. Dep't of Agric.*, 968 F. Supp. 2d 38 (D.D.C. 2013), *aff'd*, 746 F.3d 1065 (D.C. Cir. 2014), *reh'g en banc granted, opinion vacated*, 2014 WL 2619836 (D.C. Cir. Apr. 4, 2014), *and judgment reinstated*, 760 F.3d 18 (D.C. Cir. 2014)

Various meat industry trade associations sought a preliminary injunction to prevent enforcement of a 2013 Agricultural Marketing Service regulation that required country-of-origin labeling on certain meats. I denied the motion, finding that the plaintiffs had failed to demonstrate a likelihood of success on the merits of their claims that the agency's labeling requirements violated their rights under the First Amendment, the Agricultural Marketing Act, and the Administrative Procedure Act, and that the plaintiffs had also failed to establish irreparable harm. A unanimous panel of the D.C. Circuit affirmed my decision on appeal, after which the full court ordered rehearing en banc. The full D.C. Circuit affirmed my judgment after en banc review.

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4. *Am. Fed. of Gov't Emps., AFL-CIO v. Trump*, 318 F. Supp. 3d 370 (D.D.C. 2018), *rev'd and vacated*, 929 F.3d 748 (D.C. Cir. 2019)

Federal employee unions challenged three executive orders that President Donald J. Trump issued, alleging that those orders interfered with the statutorily protected rights of federal employees to engage in collective bargaining. I granted in part and denied in part both the unions' and the defendants' cross-motions for summary judgment, holding that the Court had subject-matter jurisdiction over the case, and that most, but not all, of the provisions in the executive orders conflicted with the collective bargaining rights of federal workers under the Federal Service Labor-Management Relations Act. A panel of the D.C. Circuit determined that the Act required the unions' legal claims to be channeled through administrative processes rather than being brought into federal district court, and vacated my judgment for lack of subject matter jurisdiction.

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5. *In re Air Crash over S. Indian Ocean*, 352 F. Supp. 3d 19 (D.D.C. 2018), *aff'd*, 946 F.3d 607 (D.C. Cir.), *cert. denied sub nom. Wood v. Boeing Co.*, 141 S. Ct. 451 (2020)

The Judicial Panel on Multidistrict Litigation consolidated forty individual lawsuits that had been filed in federal courts across the United States and assigned them to me for coordinated resolution of the pre-trial proceedings in those matters. The actions arose from the disappearance of Malaysia Airlines Flight MH370 over the Indian Ocean in March 2014, and the plaintiffs sought damages from the airline company, Boeing (the airplane manufacturer), and various insurance companies under tort law and the Montreal Convention, asserting wrongful death and products liability claims. I granted the defendants' threshold motion to dismiss the plaintiffs' complaints based on *forum non conveniens*, determining that Malaysia was an adequate and more convenient forum than the United States for litigation of the claims at issue. The D.C. Circuit affirmed my judgment, and the plaintiffs' petition for certiorari was denied.

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6. *Make the Rd. N.Y. v. McAleenan*, 405 F. Supp. 3d 1 (D.D.C. 2019), *rev'd and remanded sub nom. Make The Rd. New York v. Wolf*, 962 F.3d 612 (D.C. Cir. 2020)

Immigrant-rights organizations sued the U.S. Department of Homeland Security and sought a preliminary injunction challenging the agency's decision to expand the categories of non-citizens that may be subjected to expedited removal procedures. I granted the preliminary injunction and enjoined the agency from enforcing the expedited removal expansion, finding that the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 likely did not preclude the Court from exercising jurisdiction over the plaintiffs' Administrative Procedure Act ("APA") claims; that the APA likely provided a cause of action for the plaintiffs' claims concerning the procedural defectiveness of DHS's expansion decision; and that the plaintiffs were likely to succeed on the merits of their APA claims. The D.C. Circuit agreed that the Court properly exercised jurisdiction over the plaintiffs' claims, but reversed on the grounds that the expedited removal designation is committed to agency discretion by law, and is thus not reviewable for arbitrary and capricious decision making under the APA or subject to the APA's notice-and-comment rulemaking requirements.

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7. *Ctr. for Biological Diversity v. McAleenan*, 404 F. Supp. 3d 218 (D.D.C. 2019), *cert. denied sub nom. Ctr. for Biological Diversity v. Wolf*, 141 S. Ct. 128 (2020)

Environmental groups challenged the Department of Homeland Security's invocation of the Illegal Immigration Reform and Immigrant Responsibility Act to waive the application of numerous environmental laws in order to facilitate swift construction of a physical barrier along the New Mexico border. The plaintiffs claimed that DHS's actions were ultra vires and unconstitutional, but I denied the plaintiffs' motion for summary judgment, and granted the defendants' cross-motion to dismiss, or in the alternative, for summary judgment, on the

grounds that Congress had precluded judicial review of the plaintiffs' ultra vires claims, and that the plaintiffs had failed to state plausible constitutional claims regarding the Presentment Clause, the nondelegation doctrine, and the Take Care Clause. The plaintiffs' petition for certiorari was denied.

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8. *Government of Guam v. United States*, 341 F. Supp. 3d 74 (D.D.C. 2018), *rev'd and remanded*, 950 F.3d 104 (D.C. Cir. 2020), *rev'd and remanded sub nom. Territory of Guam v. United States*, 141 S. Ct. 1608 (2021), and *vacated*, 852 F. App'x 14 (D.C. Cir. 2021), and *aff'd*, 852 F. App'x 14 (D.C. Cir. 2021)

Guam filed a lawsuit against the United States under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), seeking to recover the costs that Guam had incurred in closing and remediating a hazardous waste landfill created by the U.S. Navy. I denied the United States' motion to dismiss Guam's complaint, concluding that an earlier consent decree between the parties did not preclude Guam from maintaining its cost-recovery claim against the United States, based on a reading of the CERCLA that the Sixth and Seventh Circuits had adopted and the Ninth Circuit had rejected. Siding with the Ninth Circuit's interpretation, the D.C. Circuit reversed, and ordered that Guam's complaint be dismissed. Guam sought certiorari, and the United States Supreme Court granted Guam's petition and reversed the D.C. Circuit's decision. On remand from the Supreme Court, the D.C. Circuit issued an order affirming my denial of the motion to dismiss.

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9. *United States v. Welch*, No. 16-CR-232 (D.D.C. 2017)

Edgar Welch traveled from North Carolina to Washington, D.C., motivated by the “Pizzagate” rumors that a child sex-trafficking ring was being perpetrated at the Comet Ping Pong restaurant. Welch walked into the crowded restaurant openly carrying an assault rifle, and he fired the weapon multiple times at a door inside the restaurant while patrons fled. He also pointed the gun at a frightened restaurant employee. Welch pled guilty to interstate transportation of a firearm and ammunition, in violation of 18 U.S.C. § 924(b), and assault with a dangerous weapon, in violation of D.C. Code § 22-402. Based primarily on the psychological and financial impact of the offenses on the victims and the need to deter others from committing similar crimes, I sentenced Welch to 24 months in prison for the federal offense and 48 months in prison for the D.C. offense, to run concurrently, both of which were within the applicable federal and D.C. sentencing guidelines ranges.

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10. *Campaign for Accountability v. U.S. Dep't of Just.* (“*Campaign for Accountability I*”), 486 F. Supp. 3d 424 (D.D.C. 2020); *Campaign for Accountability v. U.S. Dep't of Just.* (“*Campaign for Accountability F*”), 278 F. Supp. 3d 303 (D.D.C. 2017)

A government watchdog organization claimed that all written legal opinions of the Department of Justice’s Office of Legal Counsel (“OLC”) that have precedential effect within the Executive Branch must be made automatically available to the public under the Freedom of Information Act’s rarely litigated reading-room provision. I issued an opinion that rejected the plaintiff’s disclosure argument and granted DOJ’s motion to dismiss the complaint, but allowed the plaintiff to amend its pleading to allege that certain specified categories of precedential OLC opinions are subject to automatic disclosure under the FOIA. The plaintiff then filed an amended complaint, and DOJ renewed its dismissal motion, arguing that the FOIA’s reading-room provision is categorically inapplicable to OLC opinions, such that no category of OLC opinions must be disclosed automatically. I wrote a second opinion that granted in part and denied in part DOJ’s motion to dismiss, rejecting DOJ’s contention but holding that only one of the categories of legal opinions that the plaintiff had identified (written opinions relating to inter-agency disputes) was plausibly disclosable under the FOIA’s reading-room provision. Following my elevation to the D.C. Circuit, the matter was reassigned to another district judge and is still pending.

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- e. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published (if not available on Westlaw); and (3) the names and contact information for counsel of record.
1. *Am. Fed'n of Gov't Emps., AFL-CIO v. Fed. Lab. Rels. Auth.*, No. 20-1396, 2022 WL 287906 (D.C. Cir. Feb. 1, 2022)

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2. *Kiakombua v. Wolf*, 498 F. Supp. 3d 1(D.D.C. 2020), *appeal dismissed sub nom. Kiakombua v. Mayorkas*, No. 20-5372, 2021 WL 3716392 (D.C. Cir. 2021)

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3. *Committee on the Judiciary v. McGahn*, 415 F. Supp. 3d 148 (D.D.C. 2019), *vacated and remanded*, 951 F.3d 510 (D.C. Cir. 2020), *reh'g en banc granted, opinion vacated sub nom. United States House of Representatives v. Mnuchin*, No. 19-5176, 2020 WL 1228477 (D.C. Cir. Mar. 13, 2020), *and on reh'g en banc*, 968 F.3d 755 (D.C. Cir. 2020), *and aff'd in part, remanded in part*, 968 F.3d 755 (D.C. Cir. 2020), *and rev'd and remanded*, 973 F.3d 121 (D.C. Cir. 2020), *reh'g en banc granted, opinion vacated* (Oct. 15, 2020)

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4. *Otay Mesa Prop., L.P. v. U.S. Dep't of the Interior*, 344 F. Supp. 3d 355
(D.D.C. 2018)

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5. *United States v. Young*, 330 F. Supp. 3d 424 (D.D.C. 2018)

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6. *Am. Fed. of Gov't Emps., AFL-CIO v. Trump*, 318 F. Supp. 3d 370 (D.D.C. 2018), *rev'd and vacated*, 929 F.3d 748 (D.C. Cir. 2019)

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7. *Alliance of Artists & Recording Cos. v. Gen. Motors Co.*, 306 F. Supp. 3d 422 (D.D.C. 2018), *aff'd sub nom. All. of Artists & Recording Companies, Inc. v. DENSO Int'l Am., Inc.*, 947 F.3d 849 (D.C. Cir. 2020)

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8. *Pierce v. District of Columbia*, 128 F. Supp. 3d 250 (D.D.C. 2015)

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9. *Sierra Club v. U.S. Army Corps of Eng'rs*, 64 F. Supp. 3d 128 (D.D.C. 2014),
aff'd sub nom. Sierra Club v. U.S. Army Corps of Engineers, 803 F.3d 31
(D.C. Cir. 2015)

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10. *Z St., Inc. v. Koskinen*, 44 F. Supp. 3d 48 (D.D.C. 2014), *aff'd sub nom. Z St. v. Koskinen*, 791 F.3d 24 (D.C. Cir. 2015)

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- f. Provide a list of all cases in which you participated, where certiorari to the Supreme Court of the United States or other relief was requested or granted.

In my court of appeals cases, petitions for certiorari are noted on the docket but I do not receive electronic notifications of such filings. In the district court, petitions for certiorari are not noted on the docket unless there is a direct appeal to the Supreme Court.

To my recollection, and through a review of my files and court records and searches of publicly available databases by persons acting on my behalf, I have located the following two cases in which I sat as a panel member on the Court of Appeals and where a party requested certiorari or other relief. It is possible that a few cases were not captured by these searches, and thus are not listed below.

Trump v. Thompson, 20 F.4th 10 (D.C. Cir. 2021), *stay denied*, 142 S. Ct. 680 (2022), *cert. denied*, No. 21-932, 2022 WL 516395 (U.S. Feb. 22, 2022)

Wall v. Transp. Sec. Admin., No. 21-1220, 2021 WL 6502226 (D.C. Cir. Nov. 10, 2021), *stay denied*, 142 S. Ct. 860 (2022)

This research has revealed that Supreme Court granted certiorari in one of my district court cases.

Gov't of Guam v. United States, 341 F. Supp. 3d 74, 76 (D.D.C. 2018), *rev'd and remanded*, 950 F.3d 104 (D.C. Cir. 2020), *rev'd and remanded sub nom. Territory of Guam v. United States*, 141 S. Ct. 1608 (2021), and *vacated*, 852 F. App'x 14 (D.C. Cir. 2021), and *aff'd*, 852 F. App'x 14 (D.C. Cir. 2021)

This research has also revealed that a party sought certiorari in the following eight other district court cases of mine. It is possible that a few cases were not captured by these searches, and thus are not listed below.

Buchanan v. Sony Music Ent., No. 18-CV-3028 (KBJ), 2020 WL 2735592 (D.D.C. May 26, 2020), *aff'd sub nom. Buchanan v. Sony Music Ent. Inc.*, 836 F. App'x 16 (D.C. Cir. 2021), *cert. denied*, 142 S. Ct. 465 (2021)

Gilberti v. Fed. Rsrv. Sys., No. 19-cv-0738, 2019 WL 1901293 (D.D.C. Apr. 29, 2019), *aff'd*, No. 19-5264, 2020 WL 1487738 (D.C. Cir. Mar. 3, 2020), *cert. denied*, 141 S. Ct. 876 (2020)

Ctr. for Biological Diversity v. McAleenan, 404 F. Supp. 3d 218, *cert. denied*, 141 S. Ct. 158 (2020)

Eagle Tr. Fund v. U.S. Postal Serv., 365 F. Supp. 3d 57 (D.D.C. 2019), *aff'd*, 811 F. App'x 669 (D.C. Cir. 2020), *cert. denied*, 142 S. Ct. 69 (2021)

In re Air Crash over S. Indian Ocean on Mar. 8, 2014, 352 F. Supp. 3d 19 (D.D.C. 2018), *aff'd*, 946 F.3d 607 (D.C. Cir.), *cert. denied sub nom. Wood v. Boeing Co.*, 141 S. Ct. 451 (2020)

Mackinac Tribe v. Jewell, 87 F. Supp. 3d 127 (D.D.C. 2015), *aff'd*, 829 F.3d 754 (D.C. Cir. 2016), *cert. denied*, 137 S. Ct. 638 (2017)

Rothe Dev., Inc. v. Dep't of Def., 107 F. Supp. 3d 183 (D.D.C. 2015), *aff'd sub nom. Rothe Dev., Inc. v. U.S. Dep't of Def.*, 836 F.3d 57 (D.C. Cir. 2016), *cert. denied*, 138 S. Ct. 354 (2017)

Von Kahl v. Bureau of Nat'l Affairs, No. 09-cv-0635, Mem. Op. & Order, ECF No. 87 (D.D.C. Sept. 30, 2014), *rev'd*, 856 F.3d 106 (D.C. Cir.), *cert denied*, 128 S. Ct. 366 (2017)

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

To my recollection, and through a review of my files and court records and searches of publicly available databases by persons acting on my behalf concerning the 578 opinions that I wrote in cases that were assigned to me when I served on the district court, I have identified ten decisions of mine that the D.C. Circuit reversed, either in whole or in part; four decisions of mine that the D.C. Circuit vacated and remanded; and three decisions of mine in which the D.C. Circuit affirmed my judgment but criticized my substantive rulings. In two other

cases of mine, the D.C. Circuit reversed my ruling but those reversals were later vacated in the course of subsequent proceedings.

1. The D.C. Circuit reversed my rulings in whole or in part in the following ten cases.

Whiteru v. Wash. Metro. Area Transit Auth., 480 F. Supp. 3d 185 (D.D.C. 2020), *rev'd and remanded*, No. 20-7087, 2022 WL 414140 (D.C. Cir. Feb. 11, 2022): I granted summary judgment to WMATA in a case arising from an accidental injury to, and subsequent death of, a passenger inside a WMATA subway station. I found that the decedent was contributorily negligent as a matter of law and thus was barred from any recovery by District of Columbia law, notwithstanding WMATA's duty to render aid as a common carrier. On appeal, the D.C. Circuit held that the decedent's contributory negligence was not a complete bar to recovery under District of Columbia law because of WMATA's status as a common carrier and its duty to render aid to its passengers.

Pavement Coatings Technology Council v. U.S. Geological Survey, 436 F. Supp. 3d 115 (D.D.C. 2019), *aff'd in part, rev'd in part, and remanded*, 995 F.3d 1014 (D.C. Cir. 2021): I granted summary judgment to the USGS in this FOIA case, finding *inter alia* that the agency properly invoked the deliberative process privilege to withhold certain model runs that it had created as part of a study. The D.C. Circuit reversed that aspect of my ruling, holding that because the agency had not established that a USGS decision-maker had considered the models in determining the form in which to publish the final study, USGS failed to meet its burden of showing that the documents at issue were pre-decisional. The D.C. Circuit affirmed my grant of summary judgment to USGS with respect to other documents I found exempt from disclosure.

Make the Rd. N.Y. v. McAleenan, 405 F. Supp. 3d 1 (D.D.C. 2019), *rev'd and remanded sub nom. Make The Rd. New York v. Wolf*, 962 F.3d 612 (D.C. Cir. 2020): I granted a motion for a preliminary injunction and preliminarily enjoined a Department of Homeland Security rule that expanded the categories of non-citizens subject to expedited removal from the United States, on the ground that plaintiffs were likely to be able to establish that the agency's decision violated the Administrative Procedure Act ("APA"). The D.C. Circuit held that, while I had jurisdiction to issue such an order, the plaintiffs did not have a cause of action under the APA because the expedited removal designation is committed to agency discretion by law.

Am. Fed'n of Gov't Emps., AFL-CIO v. Trump, 318 F. Supp. 3d 370 (D.D.C. 2018), *rev'd and vacated*, 929 F.3d 748 (D.C. Cir. 2019): I granted in part and denied in part the cross-motions for summary judgment that a group of labor unions and the Department of Justice filed, and enjoined implementation of some, but not all, of the provisions of three executive orders that concerned the collective bargaining rights of federal workers. I found that certain provisions of the challenged orders conflicted with the Federal Service Labor-Management Relations Statute (“FSLMRS”) and were thus unlawful. The D.C. Circuit reversed on the threshold issue of subject-matter jurisdiction, without reaching the merits of my determination concerning the lawfulness of the orders under the FSLMRS. The Circuit held that the unions could not bring a legal action in federal district court to challenge the executive orders and were instead required to petition the Federal Labor Relations Authority and seek administrative review of their legal claims.

Azima v. RAK Inv. Auth., 305 F. Supp. 3d 149 (D.D.C. 2018), *rev'd*, 926 F.3d 870 (D.C. Cir. 2019): I denied a motion to dismiss that the defendant filed on a variety of grounds, including *forum non conveniens*. The plaintiff was an American citizen and resident who brought a claim for violation of the Computer Fraud and Abuse Act against the defendant (a commercial investment entity that was one of the emirates within the United Arab Emirates), alleging that the defendant had unlawfully hacked his laptop computer. The defendant denied the hacking, and argued in the motion that, in any event, the dispute had to be litigated in England pursuant to a forum-selection clause in a prior settlement agreement between the parties. I found that the prior settlement agreement related to an entirely different dispute, and that the parties did not intend for the forum selection clause to extend to unforeseeable and unrelated future acts such as the alleged hacking activity. The D.C. Circuit reversed, finding that the language of the settlement agreement covered the hacking claims notwithstanding the fact that the agreement was executed in a different context and before the actions that gave rise to the claims at issue, and ruled that the complaint had to be dismissed pursuant to the forum selection clause.

Clarian Health W., LLC v. Burwell, 206 F. Supp. 3d 393 (D.D.C. 2016), *rev'd and remanded sub nom. Clarian Health W., LLC v. Hargan*, 878 F.3d 346 (D.C. Cir. 2017): I granted the plaintiff-hospital’s cross-motion for summary judgment, where defendant Centers for Medicare and Medicaid Services (“CMS”) had used a newly created reconciliation process to require the hospital to repay more than \$2 million in Medicare reimbursement funds that the hospital had previously received from the government under the Medicare program. I agreed with the hospital that the new reconciliation guidelines that CMS had used to demand the recoupment qualified as a “rule” for the purpose of the Administrative Procedure Act’s notice-and-comment rulemaking requirement and vacated the guidelines on the ground that the rule was promulgated in a procedurally defective manner. The D.C. Circuit reversed, and remanded the case for further proceedings, holding that notice-and-comment rulemaking was not necessary for the guidelines at issue.

Crawford v. Johnson, 166 F. Supp. 3d 1 (D.D.C. 2016), *aff'd in part, rev'd in part sub nom. Crawford v. Duke*, 867 F.3d 103 (D.C. Cir. 2017): I granted the Department of Homeland Security's motion to dismiss the plaintiff's employment discrimination claims, finding that the plaintiff had failed to exhaust administrative remedies, as Title VII of the Civil Rights Act requires. The legal claims that plaintiff brought were based upon three alleged instances of discrimination or retaliation that were not listed in the formal EEO complaint that plaintiff filed with the EEOC, and those instances were also not added to plaintiff's administrative complaint when the EEOC gave plaintiff the opportunity to amend the list of alleged discriminatory or retaliatory acts that the agency intended to investigate. I determined that the fact that the three incidents may have been referenced in the attachments to the EEOC complaint was insufficient to alert the agency to those claims under these circumstances, and thus did not qualify as exhaustion. The D.C. Circuit affirmed in part and reversed in part, finding that the references in the attachments to plaintiff's formal administrative complaint with respect to two of the three alleged instances of discrimination or retaliation were sufficient to establish administrative exhaustion despite plaintiff's failure to clarify that those particular claims existed during the administrative complaint-evaluation process.

XP Vehicles, Inc. v. U.S. Dep't of Energy, 156 F. Supp. 3d 185 (D.D.C. 2016), *amended on denial of reconsideration*, No. 13-cv-0037, 2016 WL 11066678 (D.D.C. July 21, 2016), *and rev'd sub nom. Limnia, Inc. v. U.S. Dep't of Energy*, 857 F.3d 379 (D.C. Cir. 2017): I granted the Department of Energy's ("DOE's") motion for a voluntary remand to the agency to facilitate that agency's renewed consideration of applications for loan assistance that plaintiffs had sought to file under a DOE program that made loans available to manufacturers of clean energy vehicles. In the lawsuit, the plaintiffs claimed that agency officials had been motivated by political bias with respect to the agency's treatment of the plaintiffs' loan applications, and when the agency moved for a voluntary remand, I accepted the DOE's representation that, with respect to the Administrative Procedure Act claim, agency officials were presently able to conduct a new and unbiased review of any loan application that plaintiffs sought to file, due to turnover of agency staff and the passage of time. Over the plaintiffs' objection, I remanded the matter to the agency for a renewed evaluation of the plaintiffs' loan request in light of current application requirements. The D.C. Circuit partially reversed, finding that voluntary remand was inappropriate unless the DOE expressed its intention to revisit the precise loan applications that the plaintiffs originally sought to submit, rather than proceeding to evaluate plaintiff's entitlement to a loan based on a new loan application with up-to-date information.

Von Kahl v. Bureau of Nat'l Affairs, Inc., 09-cv-0635, Mem. Op. & Order, ECF No. 87 (D.D.C. Sept. 30, 2014), *rev'd*, 856 F.3d 106 (D.C. Cir. 2017) (copy supplied): The plaintiff in this defamation case (which had been transferred to me after four years of litigation before then-Chief Judge Richard Roberts) was an

inmate who filed a lawsuit against the Bureau of National Affairs (“BNA”), claiming that BNA had defamed him by publishing false and defamatory statements of fact regarding him in a “summary report” about a petition for certiorari that the plaintiff had filed with the Supreme Court. I denied a motion for reconsideration of Chief Judge Roberts’s decision granting BNA’s motion for summary judgment with respect to the plaintiff’s claim for libel per se, and denied the parties’ cross-motions for summary judgment, finding in part that there were issues of material fact regarding whether BNA acted with actual malice. The D.C. Circuit reversed, holding that BNA was entitled to summary judgment with respect to all of the plaintiff’s claims, because the plaintiff had produced insufficient evidence of actual malice.

Sickle v. Torres Advanced Enter. Sols., LLC, 17 F. Supp. 3d 10 (D.D.C. 2013), *aff’d and remanded*, 653 F. App’x 763 (D.C. Cir. 2016), and *aff’d in part, rev’d in part, and remanded*, 884 F.3d 338 (D.C. Cir. 2018): I granted the defendants’ motion to dismiss all of plaintiffs’ claims, which had been brought under a federal workers’ compensation statute for defense contractors known as the Defense Base Act, 33 U.S.C. § 948a, and common law. The plaintiffs alleged that they were improperly terminated from their positions as military contractors in retaliation for one of the plaintiffs having filed a worker’s compensation claim due to an on-the-job injury, which the second plaintiff medically treated and documented. Among other things, I found that plaintiffs had failed to exhaust administrative remedies with respect to their DBA retaliation claims, and that their common law tort and contract claims were preempted by federal law. On appellate review, over the course of two decisions, the D.C. Circuit affirmed my exhaustion determination but partially reversed my conclusions concerning preemption, holding that the injured plaintiff’s tort claims were preempted, but that the DBA did not preempt the contract claims or the tort claims of the non-injured plaintiff.

2. The D.C. Circuit vacated my rulings, in whole or in part, and remanded in the following four cases.

Maryland v. U.S. Dep’t of Educ., 474 F. Supp. 3d 13 (D.D.C. 2020), *vacated and remanded*, 20-5268, 2020 WL 7868112 (D.C. Cir. Dec. 22, 2020), *on remand*, 17-cv-2139, 2020 WL 7773390 (D.D.C. Dec. 29, 2020): I granted the Department of Education’s (“DOE’s”) motion to dismiss claims that had been brought under the Administrative Procedure Act by the attorneys general of eighteen States, finding that the States lacked Article III standing for the legal claims that they sought to assert. The States’ complaint claimed that the DOE and its Secretary Betsy DeVos had unlawfully delayed implementing certain regulations that the prior administration had promulgated to counteract the allegedly deceptive marketing practices of certain for-profit colleges and universities. When the matter was pending before me, the States vigorously disputed that the impending effective date of a rescission rule that DOE had issued would moot their claims. But in the context of their subsequent appeal of my decision regarding standing, the States argued that the matter had become moot as of the effective date of new regulation,

and asked the D.C. Circuit to dismiss the appeal and vacate my judgment. The D.C. Circuit granted the States' *Munsingwear* motion, vacated my opinion summarily on mootness grounds (without specifically addressing mootness or standing), and remanded the case for further proceedings. I explained the circumstances of this vacatur when the matter returned to me on remand, in *Maryland v. U.S. Dep't of Educ.*, No. 17-cv-2139, 2020 WL 7773390 (D.D.C. Dec. 29, 2020).

United States v. Johnson, No. 15-cr-125, 2019 WL 3842082 (D.D.C. Aug. 15, 2019), *aff'd in part, vacated and remanded in part*, 4 F.4th 116 (D.C. Cir. 2021): Following a seven-day jury trial, the defendant was convicted of two federal counts of unlawful receipt or possession of an unregistered firearm and destructive device; two federal counts of unlawful manufacturing of a firearm; two state counts of possession of a weapon of mass destruction; and one federal count of conspiracy to smuggle goods into United States. I denied his motion for a new trial. On appeal, the defendant argued for the first time that some of the counts of conviction were duplicative. The D.C. Circuit agreed and vacated some of the counts of conviction. With respect to the defendant's challenges to certain of my evidentiary rulings, the D.C. Circuit held that I had not abused my discretion.

United States v. Hillie, 289 F. Supp. 3d 188 (D.D.C. 2018), *aff'd in part, vacated and remanded in part*, 14 F.4th 677 (D.C. Cir. 2021): Prior to the commencement of his jury trial for child pornography and child sex abuse offenses, the defendant filed a motion to dismiss all seven of the child pornography counts. He argued that the videos he surreptitiously recorded, which depicted his live-in girlfriend's underage daughter as she exited the shower and engaged in self grooming, did not depict conduct by the minor that could be considered "lascivious" under the law. I denied his motion. At trial, the jury convicted the defendant on each of the seven child pornography counts as well as nine counts charging the defendant with sexual abuse of a minor. A split panel of the D.C. Circuit vacated the defendant's convictions on the child pornography counts, holding that the surreptitiously recorded videos did not depict the minor engaging in sexually explicit conduct, and rejecting the test for determining lasciviousness that I had applied and that seven other circuits had adopted. The D.C. Circuit affirmed the defendant's convictions on the nine child sex abuse counts. A petition for rehearing en banc has been filed and is pending.

Hall & Assocs. LLC v. Env't Prot. Agency, 315 F. Supp. 3d 519 (D.D.C. 2018), *vacated and remanded sub nom. Hall & Assocs. v. Env't Prot. Agency*, 956 F.3d 621 (D.C. Cir. 2020): I granted the Environmental Protection Agency's ("EPA's") motion for summary judgment in this FOIA case, finding that its withholding of documents based on an invocation of the deliberative process privilege was appropriate. The plaintiff had submitted a FOIA request to the EPA seeking records relating to the agency's "nonacquiescence" decision regarding an adverse ruling from the Eighth Circuit (i.e., the agency's decision to not adhere to that ruling outside of the Eighth Circuit). The EPA had invoked the deliberative

process privilege to withhold all records reflecting agency deliberations that predated its announcement of the nonacquiescence decision, and after reviewing the records *in camera*, I concluded that, for purposes of determining whether the withheld records were pre-decisional and thus subject to the privilege, the EPA should be deemed to have made the nonacquiescence determination on the date that the agency announced that decision. A panel of the D.C. Circuit vacated my grant of summary judgment to the agency with respect to the withholdings, and remanded, finding that the EPA must have reached its decision concerning nonacquiescence internally prior to the date of the announcement, and that the timing of its decision was a disputed issue of material fact that could not be determined on summary judgment.

3. The D.C. Circuit affirmed my judgment, while criticizing my substantive rulings, in the three cases below.

Rothe Dev., Inc. v. U.S. Dep't of Def., 107 F. Supp. 3d 183 (D.D.C. 2015), *aff'd*, 836 F.3d 57 (D.C. Cir. 2016): I upheld the facial constitutionality of Section 8(a) of the Small Business Administration Act, which establishes a business-development program that provides technical, financial, and practical assistance to small businesses that qualify as “socially and economically disadvantaged.” 15 U.S.C. § 637(a)(1)(B). The plaintiff claimed that the Section 8 program was an unconstitutional delegation of authority to the Small Business Administration to make racial classifications concerning the program aid, and that the statutory definition of “socially disadvantaged individuals” amounts to a racial classification that violates the equal protection component of the Fifth Amendment’s Due Process Clause. In reaching this conclusion, I adopted the legal analysis of a substantially similar prior case in our district, *Dynalantic Corp. v. Department of Defense*, 885 F. Supp. 2d 237 (D.D.C. 2012), which had applied strict scrutiny to the challenged, seemingly race-conscious provisions of Section 8(a), and, as in *Dynalantic*, I held that the Section 8(a) program is not unconstitutional on its face because it was narrowly tailored to satisfy compelling government interests. The D.C. Circuit affirmed my judgment upholding the constitutionality of the statute, but rejected the application of strict scrutiny, finding that the Small Business Administration Act does not contain a racial classification that warrants application of that heightened legal standard.

United States v. Kaufman, 14-cr-10 (D.D.C.): After the defendant pled guilty to embezzling from an organization that receives federal funds pursuant to a written plea agreement that contained a waiver of his right to appeal, I sentenced him to a term of imprisonment of 24 months. The defendant appealed his sentence, and the D.C. Circuit ruled that certain statements I had made during the plea colloquy, when I was orally explaining the provision of the plea agreement concerning the appeal waiver, changed the scope of the waiver in a manner that authorized the defendant to appeal his sentence notwithstanding the language of the agreement. The D.C. Circuit otherwise affirmed the sentence that I imposed, finding that it was “within-Guidelines, reasonable, and thoroughly explained.” (I did not issue a

written decision in this matter. The D.C. Circuit's opinion on appeal is available at 791 F.3d 86 (D.C. Cir. 2015)).

Watervale Marine Co., Ltd. v. U.S. Dep't of Homeland Sec., 55 F. Supp. 3d 124 (D.D.C. 2014), *aff'd on other grounds sub nom. Watervale Marine Co. v. U.S. Dep't of Homeland Sec.*, 807 F.3d 325 (D.C. Cir. 2015): I granted the Coast Guard's motion for summary judgment with respect to legal claims that the plaintiffs had brought under the Administrative Procedure Act. The plaintiffs alleged that the Coast Guard was not legally authorized to impose non-financial conditions for the release of a foreign-flagged vessel that plaintiffs owned or operated (the agency had detained plaintiffs' vessel at a United States port due to suspected violations of federal and international environmental laws), and I concluded that the statute governing the Coast Guard's detention authority committed entirely to the agency's discretion the matter of when and under what circumstances the Coast Guard may grant departure clearance to a detained vessel, which meant that the plaintiffs' claims were nonjusticiable. The D.C. Circuit disagreed with my ruling regarding non-justiciability, finding that the question of whether the Coast Guard can impose non-financial conditions is suitable for judicial review. Yet, the panel ultimately affirmed my grant of the defendants' motion for summary judgment on the grounds that the governing statute allowed the Coast Guard to impose financial as well as non-financial conditions for the release of ships suspected of violating environmental laws.

* * *

In the following two cases, panels of the D.C. Circuit reversed my ruling but the panel's reversals were later vacated during the course of subsequent proceedings:

Gov't of Guam v. United States, 341 F. Supp. 3d 74, 76 (D.D.C. 2018), *rev'd and remanded*, 950 F.3d 104 (D.C. Cir. 2020), *rev'd and remanded sub nom. Territory of Guam v. United States*, 141 S. Ct. 1608 (2021), and *vacated*, 852 F. App'x 14 (D.C. Cir. 2021), and *aff'd*, 852 F. App'x 14 (D.C. Cir. 2021).

Committee on the Judiciary v. McGahn, 415 F. Supp. 3d 148 (D.D.C. 2019), *vacated and remanded*, 951 F.3d 510 (D.C. Cir. 2020), *reh'g en banc granted, opinion vacated sub nom. United States House of Representatives v. Mnuchin*, No. 19-5176, 2020 WL 1228477 (D.C. Cir. Mar. 13, 2020), and *on reh'g en banc*, 968 F.3d 755 (D.C. Cir. 2020), and *aff'd in part, remanded in part*, 968 F.3d 755 (D.C. Cir. 2020), and *rev'd and remanded*, 973 F.3d 121 (D.C. Cir. 2020), *reh'g en banc granted, opinion vacated* (Oct. 15, 2020).

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

I have issued two published decisions as a Circuit Judge. I have not authored any signed opinions that are unpublished.

As a District Judge, the publication process differs. To my knowledge, when I issued a Memorandum Opinion via the court's electronic filing system (CM/ECF), that opinion was automatically posted on the district court's website as a recently-issued decision, and the publishing services obtained decisions from that website. Those services then made an individualized determination regarding whether to report any such decision in the Federal Supplement, as a "published" case, or merely make the decision available electronically, as an unpublished decision. To the extent that I issued decisions that were not posted and picked up by the publishing services, they are maintained in the Court's CM/ECF system.

- i. Provide citations for significant opinions, dispositive orders, and orders affecting injunctive relief you authored and issued on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

While on the District Court, I wrote significant opinions, dispositive orders, and orders concerning the separation of powers, Article III standing, due process and equal protection, search and seizure (Fourth Amendment), free speech (First Amendment), and alleged violations of the criminal procedure rights that the Fifth and Sixth Amendments protect. Those cases are listed below.

Maryland v. U.S. Dep't of Educ., 474 F. Supp. 3d 13 (D.D.C. 2020), *vacated and remanded*, 20-5268, 2020 WL 7868112 (D.C. Cir. Dec. 22, 2020), *on remand*, 17-cv-2139, 2020 WL 7773390 (D.D.C. Dec. 29, 2020)

Las Americas Immigrant Advoc. Ctr. v. Wolf, 507 F. Supp. 3d 1 (D.D.C. 2020)

United States v. Leake, No. 19-cr-194, 2020 WL 3489523 (D.D.C. June 26, 2020)

Committee on the Judiciary v. McGahn, 415 F. Supp. 3d 148 (D.D.C. 2019), *vacated and remanded*, 951 F.3d 510 (D.C. Cir. 2020), *reh'g en banc granted, opinion vacated sub nom. United States House of Representatives v. Mnuchin*, No. 19-5176, 2020 WL 1228477 (D.C. Cir. Mar. 13, 2020), *and on reh'g en banc*, 968 F.3d 755 (D.C. Cir. 2020), *and aff'd in part, remanded in part*, 968 F.3d 755 (D.C. Cir. 2020), *and rev'd and remanded*, 973 F.3d 121 (D.C. Cir. 2020), *reh'g en banc granted, opinion vacated* (Oct. 15, 2020)

Make the Rd. N.Y. v. McAleenan, 405 F. Supp. 3d 1 (D.D.C. 2019), *rev'd and remanded sub nom. Make the Rd. N.Y. v. Wolf*, 962 F.3d 612 (D.C. Cir. 2020)

Ctr. for Biological Diversity v. McAleenan, 404 F. Supp. 3d 218 (D.D.C. 2019)

Barber v. D.C. Gov't, 394 F. Supp. 3d 49 (D.D.C. 2019)

Brown v. Gov't of District of Columbia, 390 F. Supp. 3d 114 (D.D.C. 2019)

Eagle Tr. Fund v. U.S. Postal Serv., 365 F. Supp. 3d 57 (D.D.C. 2019), *aff'd*, 811 F. App'x 669 (D.C. Cir. 2020)

Jackson v. Bowser, No. 1:18-cv-1378, 2019 WL 1981041 (D.D.C. May 3, 2019)

United States v. Fajardo Campos, 16-cr-00154, 2018 WL 6448633 (D.D.C. Dec. 10, 2018)

Miller v. D.C. Water & Sewer Auth., No. 17-cv-0840, 2018 WL 4762261 (D.D.C. Oct. 2, 2018), *aff'd*, 790 F. App'x 218 (D.C. Cir. 2019)

Am. Fed. of Gov't Emps., AFL-CIO v. Trump, 318 F. Supp. 3d 370 (D.D.C. 2018), *rev'd and vacated*, 929 F.3d 748 (D.C. Cir. 2019)

Feldman v. Bowser, 315 F. Supp. 3d 299 (D.D.C. 2018)

Tapp v. Wash. Metro. Area Transit Auth., 306 F. Supp. 3d 383 (D.D.C. 2016)

Robinson v. Farley, 264 F. Supp. 3d 154 (D.D.C. 2017)

Nucor Steel-Ark. v. Pruitt, 246 F. Supp. 3d 288 (D.D.C. 2017)

United States v. Hillie, 227 F. Supp. 3d 57 (D.D.C. 2017)

Pollard v. District of Columbia, 191 F. Supp. 3d 58 (D.D.C. 2016), *aff'd*, 698 F. App'x 616 (D.C. Cir. 2017)

New England Anti-Vivisection Soc'y v. U.S. Fish & Wildlife Serv., 208 F. Supp. 3d 142 (D.D.C. 2016)

Mobarez v. Kerry, 187 F. Supp. 3d 85 (D.D.C. 2016)

Kyle v. Bedlion, 177 F. Supp. 3d 380 (D.D.C. 2016)

United States v. Miller, No. 16-cr-0072, 2016 WL 8416761 (D.D.C. Nov. 11, 2016), *aff'd*, 739 F. App'x 6 (D.C. Cir. 2018)

Otay Mesa Prop., L.P. v. U.S. Dep't of the Interior, 144 F. Supp. 3d 35 (D.D.C. 2015)

Smith v. United States, 121 F. Supp. 3d 112 (D.D.C. 2015), *aff'd*, 843 F.3d 509 (D.C. Cir. 2016)

Austin-Spearman v. AARP & AARP Servs. Inc., 119 F. Supp. 3d 1 (D.D.C. 2015) (duplicate citation at 113 F. Supp. 3d 1 (D.D.C. 2015))

Am. Fed'n of Gov't Employees, AFL-CIO v. Vilsack, 118 F. Supp. 3d 292 (D.D.C. 2015), *aff'd*, 672 F. App'x 36 (D.C. Cir. 2016)

XP Vehicles, Inc. v. Dep't of Energy, 118 F. Supp. 3d 38 (D.D.C. 2015)

Rothe Dev., Inc. v. Dep't of Def., 107 F. Supp. 3d 183 (D.D.C. 2015), *aff'd on other grounds*, 836 F.3d 57 (D.C. Cir. 2016)

Brewer v. District of Columbia, 105 F. Supp. 3d 74 (D.D.C. 2015)

Cal. Clinical Lab'y Ass'n v. Sec'y of Health & Human Servs., 104 F. Supp. 3d 66 (D.D.C. 2015)

Fed. Forest Res. Coal. v. Vilsack, 100 F. Supp. 3d 21 (D.D.C. 2015)

FiberLight, LLC v. Nat'l R.R. Passenger Corp., 81 F. Supp. 3d 93 (D.D.C. 2015)

Food & Water Watch, Inc. v. Vilsack, 79 F. Supp. 3d 174 (D.D.C. 2015), *aff'd*, 808 F.3d 905 (D.C. Cir. 2015)

United States v. Richardson, 36 F. Supp. 3d 120 (D.D.C. 2014)

Kretchmar v. F.B.I., 32 F. Supp. 3d 49 (D.D.C. 2014), *aff'd*, No. 14-5178 (D.C. Cir. Jan. 16, 2015)

Patterson v. United States, 999 F. Supp. 2d 300 (D.D.C. 2013)

Page v. Mancuso, 999 F. Supp. 2d 269 (D.D.C. 2013)

Am. Meat Inst. v. U.S. Dept. of Agric., 968 F. Supp. 2d 38 (D.D.C. 2013), *aff'd*, 746 F.3d 1065 (D.C. Cir. 2014), *reh'g en banc granted*, No. 13-5281, 2014 WL 2619836 (D.C. Cir. Apr. 4, 2014), *judgment reinstated*, 760 F.3d 18 (D.C. Cir. 2014) (en banc)

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

I have not sat by designation on any federal court of appeals.

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

- a. Identify each such case, and for each provide the following information:
- i. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself *sua sponte*;
 - ii. a brief description of the asserted conflict of interest or other ground for recusal;
 - iii. the procedure you followed in determining whether or not to recuse yourself;
 - iv. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

The United States Court of Appeals for the District of Columbia Circuit has an electronic case-assignment system pursuant to which each judge submits to the Clerk's Office a list of self-identified conflicts. The computer assignment system does not assign a matter to the pre-established panel if any judge on that panel has a conflict as identified per the submitted list. In addition, I analyze each case that is assigned to me individually in order to determine if there are any conflicts. I am also automatically recused from hearing any appeal from a ruling that I issued as a district judge.

The United States District Court for the District of Columbia assigns cases to district judges randomly, but also flags such newly assigned cases for the judge's conflict review, based on recusal criteria that each judge identifies. This system permits a judge to decide whether to recuse *sua sponte* in a newly assigned case.

I recused myself *sua sponte* in the following twelve cases while I was sitting on the District Court, for the reasons described below.

I recused myself from *Jacobs v. Reliance Standard Life Insurance Co.*, 21-cv-0323, because the plaintiff in the case was previously employed as a doctor at Medstar Georgetown University Hospital, and the complaint asserted that the plaintiff's claim for disability benefits under a group plan that the hospital provides was improperly denied. My husband is a surgeon who is employed by Medstar Georgetown University Hospital. After reviewing the Code of Conduct for United States Judges, I determined that my impartiality might reasonably be questioned and that this issue was incurable. I therefore returned the case to the Calendar Committee for reassignment.

I recused myself from *Clark v. Environmental Protection Agency*, 18-cv-0075, because the case arose from EPA's failure to respond to a FOIA request that the

plaintiff, a university research librarian, had submitted. At the time the matter was assigned to me, I was a member of the board of the university that employed the plaintiff, and after reviewing the Code of Conduct for United States Judges, I determined that my impartiality might reasonably be questioned and that this issue was incurable. I therefore returned the case to the Calendar Committee for reassignment.

I recused myself from *Pulphus v. Ayers*, 17-cv-310, because I have a personal and familial relationship with a material witness named in the complaint whose actions were challenged in the complaint. After reviewing the Code of Conduct for United States Judges, I determined that my impartiality might reasonably be questioned and that this issue was incurable. I therefore returned the case to the Calendar Committee for reassignment.

I recused myself from *Callas v. Callas*, 17-mc-127, because it involved a motion to quash a non-party subpoena, and I have a personal and familial relationship with the lawyer who was representing the movant. After reviewing the Code of Conduct for United States Judges, I determined that my impartiality might reasonably be questioned and that this issue was incurable. I therefore returned the case to the Calendar Committee for reassignment.

I recused myself from *Van Allen v. Gibson*, 16-cv-1426, because the plaintiff filed an amended complaint that named as defendants all judges who had been appointed by President Barack Obama, including me.

I recused myself from *Doe v. Lhamon*, 16-cv-1158, because the complaint challenged the Department of Education's sexual assault guidelines for colleges and universities, and at the time that the matter was assigned to me, I was serving on the board of a university that was evaluating its own potential response to those guidelines. After reviewing the Code of Conduct for United States Judges, I determined that my impartiality might reasonably be questioned and that this issue was incurable. I therefore returned the case to the Calendar Committee for reassignment.

I recused myself from *National Railroad Passenger Corp. v. 3.44 Acres More or Less of Land and Building*, No. 15-cv-1088, and two related cases, *National Railroad Passenger Corp. v. Casco Second Street, LLC*, No. 15-cv-1020 and *National Railroad Passenger Corp. v. 1.45 Acres More or Less of Air Space Above Land Located at 900 2nd Street NE*, 15-cv-1021, because these are civil cases that involve potential money damages, and my husband's brother is an equity partner at a law firm that had entered its appearance as counsel for one of the defendants. Canon 3(C)(1)(d)(ii) of the Code of Conduct for United States Judges appears to require recusal in such circumstances.

I recused myself from *Sandza v. Barclays Bank PLC*, 15-cv-0732, because these are civil cases that involve potential money damages, and my husband's brother is

an equity partner at a law firm that represented defendants in this matter. After reviewing the Code of Conduct for United States Judges, I determined that my impartiality might reasonably be questioned in light of this connection with defense counsel, and that this issue was incurable. I therefore returned the case to the Calendar Committee for reassignment.

I recused myself from *Williams v. United States of America*, 15-mc-0283, because the firm representing the petitioner had previously represented my husband in two civil matters arising out of his employment as a surgeon, and had also consulted with my husband regarding medical matters and medical legal matters over time. After reviewing the Code of Conduct for United States Judges, I determined that my impartiality might reasonably be questioned, and that this issue was incurable. I therefore returned the case to the Calendar Committee for reassignment.

I recused myself from *Arrington v. Federal Public Defender of the District of Columbia*, 14-cv-1557, because I previously worked for the Federal Public Defender of the District of Columbia, and because one of the named defendants was my supervisor when I worked in that office and remains a personal friend of mine. After reviewing the Code of Conduct for United States Judges, I determined that my impartiality might reasonably be questioned in light of my personal relationship with one of the parties, and that this issue was incurable. I therefore returned the case to the Calendar Committee for reassignment.

I recused myself from *Zaidi v. United States Sentencing Commission*, 14-cv-1308, because the plaintiff in this case alleged that certain policies that the United States Sentencing Commission had promulgated were unlawful and unconstitutional. I was serving as Vice Chair of the Sentencing Commission at the time this matter came before me. After reviewing the Code of Conduct for United States Judges, I determined that my impartiality might reasonably be questioned and that this issue was incurable. I therefore returned the case to the Calendar Committee for reassignment.

I recused myself from *Chenari v. George Washington University*, 14-cv-0929, because the plaintiff alleged that George Washington University improperly terminated his enrollment at the school for honor code violations, and at the time this matter came before me, I was affiliated with George Washington University Law School as an adjunct professor. Given G.W.U. Law School's relationship to the University—the defendant in this matter—I reviewed the Code of Conduct for United States Judges, and I determined both that my impartiality might reasonably be questioned and that this issue was incurable. I therefore returned the case to the Calendar Committee for reassignment.

I recused myself from the following case when the matter was assigned to me, after being asked to do so by the parties.

Defense counsel in *Wilson v. Cope*, No. 14-cv-1434, filed a consent motion asking me to transfer this matter to another judge because his firm had previously represented my husband in two civil matters arising out of his employment as a surgeon, and had also consulted with my husband regarding medical matters and medical legal matters over time. I was not aware of this relationship before the parties brought it to my attention by filing the motion. After reviewing the Code of Conduct for United States Judges, I determined that my impartiality might reasonably be questioned and that this issue was incurable. I therefore granted the motion and returned the case to the Calendar Committee for reassignment.

I denied motions for recusal, and did not recuse myself, in the following cases.

The pro se plaintiff in *Cannady v. Hogan*, 20-cv-2141, requested that I recuse myself because of a ruling I had made and an order I had issued in his case. Before taking any action on the merits, I transferred the case to another district for improper venue and, as a result, I denied the plaintiff's recusal request as moot.

The pro se plaintiff in *Humphries v. Newman*, 18-cv-2036, requested that I recuse myself primarily because she believed that my husband was the son of the founder of the firm representing defendant Children's National Medical Center ("CNMC"), and that my husband was employed by CNMC. Her assertions about my husband were factually incorrect. The plaintiff also sought recusal because of certain rulings I had made concerning her case; however, adverse rulings in a matter are not an appropriate reason to seek recusal. I denied her recusal request.

- b. Explain whether you will follow the same procedures for recusal if you are confirmed to the Supreme Court as you have followed on the Circuit Court. If not, please explain the procedure you will follow in determining whether to recuse yourself from matters coming before the Supreme Court, if confirmed.

If confirmed to the Supreme Court, I will continue my present practice of using a recusal list to identify and avoid potential conflicts. In addition, I would also recuse myself from matters that were assigned to me as a circuit or district judge.

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

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

In September 2005, I was appointed to the Commission on Juvenile Justice in Montgomery County, Maryland by then-Montgomery County Executive Douglas Duncan and approved by the Montgomery County Council. I withdrew from the

Commission shortly after my appointment due to a health issue involving a family member and never served.

On July 23, 2009, President Barack Obama nominated me to be a Commissioner on the United States Sentencing Commission. On February 12, 2010, following my confirmation by the United States Senate, President Obama appointed me to be a Vice Chair of the Commission.

I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party, election committee, or President-elect transition team. 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. Please supply four (4) copies of any memoranda analyzing issues of law or public policy that you wrote on behalf of or in connection with a President-elect transition team.

In 2008, I was an election poll monitor for both the primary and general elections on behalf of Lawyers for Change, Obama for America Presidential Campaign.

- c. List all political events for which you were on the host committee, including the date, location, which candidate or organization it benefitted, and how much was raised at the event.

I have not been on the host committee for any political event.

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

- a. Describe in reverse chronological order 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;

I served as a law clerk to three federal judges:

Associate Justice Stephen G. Breyer
Supreme Court of the United States
1999 – 2000

Hon. Bruce M. Selya
United States Court of Appeals for the First Circuit
1997 – 1998

Hon. Patti B. Saris
United States District Court for the District of Massachusetts
1996 – 1997

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

I have never practiced law alone.

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

2021 – Present

United States Court of Appeals for the District of Columbia Circuit
E. Barrett Prettyman United States Courthouse, Room 5700
333 Constitution Avenue, Northwest
Washington, District of Columbia 20001
United States Circuit Judge

2013 – 2021

United States District Court for the District of Columbia
E. Barrett Prettyman United States Courthouse, Room 6309
333 Constitution Avenue, Northwest
Washington, District of Columbia 20001
United States District Judge

2010 – 2014

United States Sentencing Commission
One Columbus Avenue, Northeast
Washington, District of Columbia 20002
Vice Chair & Commissioner

2007 – 2010

Morrison & Foerster, LLP
2000 Pennsylvania Avenue, Northwest, 6th Floor
Washington, District of Columbia 20006
Of Counsel

2005 – 2007

Office of the Federal Public Defender
625 Indiana Avenue, Northwest
Washington, District of Columbia 20004
Assistant Federal Public Defender

2003 – 2005

United States Sentencing Commission

One Columbus Circle, Northeast
Washington, District of Columbia 20002
Assistant Special Counsel

2002 – 2003

The Feinberg Group, LLP (now known as Feinberg Rozen, LLP)
1455 Pennsylvania Avenue, Northwest
Washington, District of Columbia 20004
Associate

2000 – 2002

Goodwin Procter, LLP
Exchange Place
53 State Street
Boston, Massachusetts 02109
Associate

1998 – 1999

Miller, Cassidy, Larroca & Lewin, LLP (now defunct)
2599 M Street, Northwest
Washington, District of Columbia 20007
Associate

- 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.

The nature of my law practice has varied widely over the years. From 1998 to 1999, I worked as a litigation associate at Miller, Cassidy, Larroca & Lewin LLP, a trial litigation boutique firm in the District of Columbia. My work there involved a variety of civil subject matters, including commercial breach of contract actions, bankruptcy litigation, just compensation, and defense of corporate employment discrimination and retaliation claims.

In 2000, after my Supreme Court clerkship, I moved to Boston, Massachusetts and returned to private practice, joining Goodwin Procter LLP's litigation department as an associate. While at Goodwin, I worked on a variety of trial-stage litigation matters, drafting pleadings and

handling discovery in cases involving federal securities fraud allegations, personal injury claims, breach of contract actions, and alleged violations of the Anti-Kickback statute. I also did pro bono work that involved assisting an organization in investigating and challenging high stakes testing in education, and drafting an amicus brief in a free speech case in the First Circuit.

In 2002, I returned to the District of Columbia and joined The Feinberg Group, a small arbitration and mediation practice, as an associate. While at the Feinberg Group, I assisted in the negotiated (non-litigation) resolution of mass tort claims. I attended arbitration proceedings and advised client corporations regarding trust payment structures for resolving mass-tort liability, such as asbestos claims.

From 2003 to 2007, I focused primarily on criminal law and criminal justice related issues. As an Assistant Special Counsel to the United States Sentencing Commission from 2003 to 2005, I drafted proposed amendments to the Sentencing Guidelines Manual, analyzed federal law and sentencing policies in regard to certain crimes, and worked on the development of various guideline-sentencing proposals prior to, and in anticipation of, *Booker*. Then, from 2005 to 2007, I served as an Assistant Federal Public Defender in the District of Columbia, during which I represented indigent criminal appellants in the United States Court of Appeals for the District of Columbia Circuit. I filed briefs and motions in the court of appeals, argued cases, and monitored criminal law developments nationwide.

In 2007, I joined Morrison & Foerster LLP in the District of Columbia and worked as an appellate litigator with a practice that can generally be characterized as a national appellate practice involving a wide range of legal issues. I drafted and filed briefs and petitions in the Supreme Court and in other appellate courts around the country. The cases that I worked on involved such matters as statutory interpretation, federal preemption, personal injury claims, federal wiretapping and fraud prosecutions, and civil contempt sanctions imposed by an administrative body. I also worked on pro bono matters involving complex legal issues, including an asylum application and briefs regarding the Fourth Amendment, federal habeas, and the right to an attorney in civil cases under state constitutional law.

My practice on the Sentencing Commission from 2010 to 2014 can generally be characterized as criminal justice policy. As a Commissioner of the federal agency that develops sentencing policy for the federal courts, I evaluated, drafted, and enacted proposed changes to the federal sentencing guidelines. I also participated in administrative hearings and meetings to assess the operation of the federal sentencing system.

From 2013 to 2021, I served as a district judge on the United States District Court for the District of Columbia. Since 2021, I have served as a circuit judge on the United States Court of Appeals for the District of Columbia Circuit.

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

During my years in private practice at Miller, Cassidy, Larroca & Lewin, from 1998 to 1999, and Goodwin Procter, from 2000 to 2002, my clients were typically United States corporations, corporate executives, and non-profit organizations. I specialized in civil litigation, including trial-stage practice and procedure such as pleadings, motions practice, and discovery. My cases involved a variety of subject matters, including securities fraud, mortgage fraud, product liability, breach of contract, property law, the Fifth Amendment's takings clause, and Title VII.

When I was at The Feinberg Group from 2002 to 2003, my typical clients were large corporations facing mass tort liability. I specialized in mediation and arbitration procedures and in the evaluation of trust structures for the settlement of current and potential (future) tort claims.

As an Assistant Federal Public Defender from 2005 to 2007, I represented indigent individuals who had been convicted of federal crimes. I specialized in criminal law and procedure, the Fourth and Fifth Amendments, and federal appellate practice.

While at Morrison & Foerster from 2007 to 2010, I represented corporations, non-profit organizations, and a few individuals, all of whom were making legal arguments in state and federal courts of appeals. Typically, my clients were corporations or organizations that filed briefs on the merits of a case as parties to an appeal or amicus briefs in support of a party in a case. I had the opportunity to work on both civil and criminal appeals, and appeals in courts throughout the country, including the Supreme Court of the United States.

In my work as a Commissioner on the United States Sentencing Commission from 2010 to 2014, I represented the federal criminal justice system as a whole. The same is true of my former work as a Commission staffer from 2003 to 2005. I did not have clients, but I regularly consulted with federal judges, members of Congress, prosecutors, defense counsel, and other criminal justice stakeholders nationwide about the structure and operation of the federal sentencing system. I specialized in criminal law and in the procedures of a federal district court judge during sentencing proceedings. I also developed expertise in administrative procedure and

the specific regulations (the federal sentencing guidelines) that federal district court judges use at sentencing.

I did not have any clients in my role as a United States District Judge, nor do I have any clients in my role as a United States Circuit Judge.

- 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.

At Miller, Cassidy, Larroca & Lewin, from 1998 to 1999, and Goodwin Procter, from 2000 to 2002, my practice was entirely civil litigation, but I did not appear in court. I appeared in court on a few occasions while at Morrison & Foerster from 2007 to 2010, including to argue a motion for summary judgment in a case in the United States Court of Federal Claims in 2009, to argue an appeal in the District of Columbia Court of Appeals in 2008, and to argue an appeal in the United States Court of Appeals for the District of Columbia Circuit in 2007.

As an Assistant Federal Public Defender, my practice was entirely criminal litigation in federal court. I appeared in court approximately ten times from 2005 to 2007, arguing appeals in the United States Court of Appeals for the District of Columbia Circuit.

At The Feinberg Group from 2002 to 2003, I assisted with mediations and arbitrations but did not appear in court. Likewise, as a Commissioner on the United States Sentencing Commission, from 2010 to 2014, I did not appear in court, nor did I appear in court in my work as a Commission staffer from 2003 to 2005.

While I was a United States District Judge from 2013 to 2021, I appeared in court frequently, as I routinely presided over motion and plea hearings, status conferences, sentencings, and trials.

As a United States Circuit Judge, I typically appear in court two to three times a month for scheduled sittings.

- 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: 60%
2. criminal proceedings: 40%

- d. List, by case name, all cases in courts of record, including cases before administrative law judges, you tried or litigated to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel. For each such case, include the docket number and provide any opinions and filings available to you.

When I was in private practice, I was not primarily responsible for trying cases and did not handle any matters that were tried to verdict while I worked on them. From 1998 to 1999 and from 2000 to 2002, I was associate counsel in approximately 15 cases being litigated in state and federal courts. My responsibilities included pre-trial preparation (e.g., managing discovery, taking depositions, and drafting pre-trial pleadings and dispositive motions), and I also assisted with drafting motions in limine, proposed jury instructions, and proposed findings of fact and conclusions of law for cases that were scheduled to be tried.

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

Not applicable

- e. Describe your practice, if any, before the Supreme Court of the United States, the highest court of any state, or any state or federal courts of appeals. 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. Give a detailed summary of the substance of each case, outlining briefly the factual and legal issues involved, the party or parties whom you represented, the nature of your participation in the litigation, and the final disposition of the case. Also provide the individual names, addresses, and telephone numbers of co-counsel of record and principal counsel of record for each of the other parties.

During my time as a Federal Public Defender, I was assigned to the appellate division and appeared mainly before the United States Court of Appeals for the District of Columbia Circuit.

During my time in private practice, I worked on both civil and criminal appeals, and appeared in federal and state appellate courts throughout the country.

I have not argued before the Supreme Court, but I filed petitions for certiorari or served as co-counsel for merits or amicus briefs in the following Supreme Court cases:

Bloate v. United States, 559 U.S. 196 (2010): I submitted an amicus brief on behalf of my client, the National Association of Criminal Defense Lawyers, in support of petitioner (available at 2009 WL 1864008). In this criminal case, the petitioner appealed the denial of his motion to dismiss the indictment for failure to

meet the 70-day deadline that the Speedy Trial Act imposes on the time to commence trial. The Supreme Court ultimately ruled in favor of the petitioner, finding that courts cannot automatically exclude time that is granted to a party to prepare pretrial motions in a criminal case.

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Arizona v. Gant, 556 U.S. 332 (2009): I co-authored an amicus brief on behalf of my client, the National Association of Federal Defenders, in support of the defendant (available at 2008 WL 2958118). In this criminal matter, the defendant brought a Fourth Amendment challenge to the lawfulness of a warrantless search of his vehicle incident to his arrest, which took place after he had been handcuffed and detained in the arresting officer's patrol car. The Supreme Court held that that the vehicle search violated the Fourth Amendment, and that police may not search a vehicle incident to a recent occupant's arrest unless either the arrestee is within reaching distance of the passenger compartment or it is reasonable to believe the vehicle contains evidence of the offense.

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Al-Marri v. Spagone, No. 08-368, *cert. granted*, 555 U.S. 1066 (2009), *cert. dismissed as moot*, 555 U.S. 1220 (2009): I co-authored two amicus briefs regarding this appeal, which challenged the Executive's alleged authority to detain lawful residents of the United States without charge or trial under the Authorization for Use of Military Force, 115 Stat. 244, on suspicion of their having engaged in terrorism-related activities. First, in October 2008 I submitted an amicus brief on behalf of our clients the Constitution Project and the Rutherford Institute (available at 2008 WL 4735243) arguing that certiorari was warranted to review the divided en banc decision of the Fourth Circuit, which had held that the Executive had such authority. In January 2009, after the Supreme Court granted the petition for certiorari, I submitted an amicus brief on behalf of the same parties and also the Cato Institute (available at 2009 WL 230960), arguing that Congress had not authorized the challenged detention and that the Constitution likewise did not authorize it. The Supreme Court did not rule in the case; it dismissed the appeal as moot after the Executive agreed to release the petitioner.

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Boumediene v. Bush and *Al-Odah v. United States*, 553 U.S. 723 (2008): I co-authored an amicus brief on behalf of my clients, twenty retired federal judges (available at 2007 WL 2441585), related to these consolidated appeals that challenged the detention review system that United States Department of Defense

had created for Guantanamo Bay detainees in the wake of the Supreme Court's decision in *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004). Petitioners argued that detention determinations made by Combatant Status Review Tribunals (CSRTs) under the Detainee Treatment Act impermissibly suspended the writ of habeas corpus in violation of the Constitution's Suspension Clause, U.S. Const. Art. 1, § 9, cl. 2. In the amicus brief I submitted, the former judges argued that judicial review of a CSRT's detention determination under the DTA was an inadequate substitute for the common law writ of habeas corpus because the Act appeared not to permit assessment of whether the CSRT had relied on statements extracted by torture or other impermissible coercion. The Supreme Court ultimately ruled in favor of the petitioners, holding that the relevant provision of the Detainee Treatment Act unconstitutionally suspended the writ of habeas corpus.

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Quanta Computer, Inc, et al. v. LG Electronics, Inc., 553 U.S. 617 (2008): I co-authored an amicus brief on behalf of my client, Gen Probe, Inc., a biotechnology company, in support of petitioners (available at 2007 WL 3407025). The issue in this patent case was whether the longstanding doctrine of patent exhaustion applies to "method" patents that describe how an item is made or used. The Federal Circuit had held that exhaustion did not apply, and petitioners argued that that ruling was erroneous. In a unanimous decision, the Supreme Court reversed the Federal Circuit's ruling.

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United States v. Bussell, 555 U.S. 812 (2008): I authored a petition for certiorari (available at 2008 WL 960667), and a reply brief in support of the petition for certiorari (available at 2008 WL 2472925) in this criminal case, which involved a conviction for the concealment of assets and alleged false statements, and a sentence that relied in part on acquitted conduct. The Supreme Court denied certiorari.

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Hall Street Associates LLC v. Mattel Inc., 552 U.S. 576 (2008): I was part of a team that represented the respondent in this Federal Arbitration Act (FAA) case, and in that capacity, I co-authored a merits brief (available at 2007 WL 2731409), a supplemental brief (available at 2007 WL 4244685), and a reply brief (available at 2007 WL 4254419). The primary issue presented was whether the statutory grounds for judicial review that the FAA provides are the sole bases for review of an arbitration award or whether the parties' arbitration agreement can identify

additional grounds for judicial review. The Supreme Court held that an arbitration agreement cannot expand judicial review of arbitration awards beyond the FAA's statutory bases for review.

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Clark County, Nevada v. Vacation Village, Inc., 554 U.S. 917 (2008): I co-authored an amicus brief on behalf of five air transportation industry associations in support of a petition for certiorari (available at 2007 WL 4142597). The primary issue in the case was whether the Ninth Circuit erred when it held that federal law did not preempt state law concerning local zoning ordinances that regulated land near airports; under state law, such ordinances constituted *per se* regulatory takings. The Supreme Court denied the petition.

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Kosh v. United States, 549 U.S. 940 (2006): I authored and submitted a petition for certiorari in this criminal case. Copy supplied. Upon revocation of supervised release, the district court had sentenced my client to a term of incarceration that was twice the recommended guideline range in order to make him eligible for a particular prison facility that provided mental health and substance abuse treatment. On appeal before the D.C. Circuit, I argued that the imposition of a longer prison term in order to facilitate his access to treatment in the Bureau of Prisons violated 18 U.S.C. § 3582(a). I reiterated that argument in the petition for certiorari, which the Supreme Court ultimately denied.

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

- a. the date of representation;

- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Washington Gas Light Co. v. Public Service Commission of D.C.*, 982 A.2d 691 (D.C. 2009) (Farrell, Glickman, Kramer, JJ.)

I successfully represented Washington Gas Light Company with respect to a petition to the District of Columbia Court of Appeals seeking review of a \$350,000 civil forfeiture sanction that the Public Service Commission of the District of Columbia had imposed during the discovery phase of a rate proceeding as punishment for Washington Gas's alleged refusal to disclose documents as ordered by the Commission. I wrote the brief for petitioner and the reply brief, as well as two supplemental briefs after oral argument. I also argued the case before a panel of judges on the District of Columbia Court of Appeals. The court concluded that the exhaustion requirements of the District of Columbia Code did not prevent its exercise of jurisdiction, and it reversed the Public Service Commission's forfeiture order on the ground that the agency lacked the statutory authority to adjudicate and impose the forfeiture penalty.

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2. *Ladd v. United States*, No. 1:07-cv-271 (Fed. Cl., Oct. 14, 2009) (Hodges, J.)

I represented non-profit Rails-to-Trails Conservancy at a hearing on cross motions for summary judgment in a physical takings case in which the plaintiff landowners sought a legal declaration of ownership with respect to an abandoned railroad corridor. After being granted leave to participate, I prepared detailed exhibits and demonstratives and argued the motion for summary judgment on behalf of Rails-to-Trails as an amicus in

support of the federal government. The court granted the government's motion for summary judgment, and denied the plaintiffs' cross motion, ruling that the railroad may negotiate with trail operators to transfer the corridor for public use pursuant to federal "railbanking" statutes without effecting a physical taking of plaintiff's reversionary rights in the property.

Co-counsel

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3. *United States v. Littlejohn*, No. 05-3081, 489 F.3d 1335 (D.C. Cir. 2007) (Sentelle, Tatel, Brown, JJ.)

I successfully represented an individual defendant convicted of unlawful possession of a firearm in violation of 18 U.S.C. § 922(g) in an appeal in the United States Court of Appeals for the District of Columbia Circuit. I argued, *inter alia*, that the evidence presented at trial was legally insufficient to support the conviction and that the trial court had conducted an improper and prejudicial jury *voir dire*. I wrote the brief for appellant and the reply brief and argued the case before a panel of judges on the D.C. Circuit. The judgment was vacated as a result of the district court's improper use of compound questions during *voir dire* and the case was remanded for a new trial.

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4. *United States v. Ponds*, Nos. 03-3134, 03-3135, 454 F.3d 313 (D.C. Cir. 2006) (Rogers, Tatel, Brown, JJ.)

I successfully represented a former attorney convicted of tax evasion in an appeal that argued that the government's use of documents that it had compelled from the defendant pursuant to a subpoena and a grant of act-of-production immunity was improper under *United States v. Hubbell*, 530 U.S. 27 (2000). I wrote the brief for appellant and the reply brief, and I argued the case before a panel of judges on the United States Court of Appeals for the District of Columbia Circuit. The court vacated the judgment of conviction on the ground that my client's document production was sufficiently testimonial to implicate his Fifth Amendment rights, and remanded the case to the district court for a determination of the extent of the government's impermissible use of the immunized material.

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5. *Khiali-Gul v. Bush*, No. 1:05-cv-877 (D.D.C., 2005) (Robertson, J.)

From 2005 to 2007, I represented a detainee seeking habeas review of his classification as an "enemy combatant" and his resulting detention at the United States Naval Station in Guantanamo Bay, Cuba. I drafted the petition for a writ of habeas corpus and filed it on behalf of the detainee. I also drafted and filed a series of substantive and procedural motions related to the matter, including a motion for a protective order, an opposition to the government's motion seeking permission to review privileged materials seized from detainees, and a motion for reconsideration of the court's order dismissing the case for lack of subject matter jurisdiction. I applied for and was granted Secret security clearance and reviewed classified documents related to this representation at a secure facility. The case was ultimately consolidated with other similar habeas actions and transferred to a different district court judge for coordination and management.

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6. *Council of the District of Columbia v. Washington Development Group*, No. 1998 CA 009875 (D.C. Super. Ct., 1998) (Mize, J.)

I co-defended a District of Columbia property developer and his development company in an action brought by the City Council of the District of Columbia to enjoin the planned build-out of an historic building that the Council had leased as part of a real-estate development deal. I drafted pleadings, including the defendants' opposition to the plaintiff's motion for a preliminary injunction, and prepared related affidavits. I managed discovery, including witness statements and deposition testimony, and deposed a D.C. Councilmember during the discovery period. The parties ultimately settled and the case was dismissed with prejudice.

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7. *Rattley-Lewis v. National Public Radio*, No. 1997 CA 006678 (D.C. Super. Ct., 1998) (Gardner, J.)

I was on a litigation team that defended National Public Radio in an action brought in the Superior Court of the District of Columbia by a former senior-level executive of the company who claimed discriminatory and retaliatory treatment in violation of the District of Columbia Human Rights Act. I assisted with managing fact and expert discovery. I also drafted the memorandum of law and supporting affidavits that were filed in support of defendant's motion for summary judgment. The case ultimately settled during trial.

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8. *United States v. McCants*, No. 04-3064, 434 F.3d 557 (D.C. Cir. 2006) (Randolph, Griffith, Edwards, JJ.)

I successfully represented an individual fraud defendant in an appeal in the United States Court of Appeals for the District of Columbia Circuit that challenged the district court's failure to make findings on contested factual issues at sentencing. I authored the brief for appellant and the reply brief and argued the case before a panel of judges on the D.C. Circuit. The judgment was reversed on the grounds that the district court's sentencing judgment failed to adhere to the requirements of the Federal Rules of Criminal Procedure and the case was remanded for resentencing.

Opposing counsel

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9. *Hall Street Associates LLC v. Mattel Inc.*, 552 U.S. 576 (2008) (Souter, J., wrote the opinion for the Court)

From 2007 to 2008, I was part of a litigation team that represented respondent Mattel in a Supreme Court case involving the section of the Federal Arbitration Act that grants expedited judicial review to confirm, vacate, or modify an arbitration award. I was responsible for reviewing the factual record related to the subject matter of the underlying arbitration, and I drafted parts of both the primary brief for respondent and two supplemental briefs on specified issues the Supreme Court ordered. I also assisted in the preparation of oral argument counsel. The Supreme Court ultimately agreed with Mattel's argument that the Act's grounds for vacatur and modification of arbitration awards are exclusive for parties seeking expedited review under the FAA, but remanded the case for a determination regarding whether the parties did, in fact, intend for the arbitration proceeding at issue to be governed by the FAA.

Co-counsel

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10. *Salvini v. Ski Lifts, Inc.*, 147 Wash. App. 1005 (Oct. 20, 2008) (Lau, Appelwick, Cox, JJ.)

I assisted in the representation of a defendant ski-area operator in its appeal of a \$14 million personal injury judgment won by a plaintiff who was injured while ski jumping in the operator's terrain park. I drafted parts of the brief for appellant and the reply brief, which argued, *inter alia*, that the trial court had improperly admitted prejudicial evidence of prior accidents and had erred in instructing the jury regarding the operator's duty, inherent risk, and adequate warnings. The judgment was affirmed.

Co-counsel

James W. Huston (formerly with Morrison & Foerster LLP)
Deceased

Opposing counsel

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

The most significant legal activities that I have pursued are my service as a United States Circuit Judge from 2021 to the present, a United States District Judge from 2013 to 2021, and my work at the United States Sentencing Commission, both as an Assistant Special Counsel on the staff from 2003 to 2005, and as Vice Chair and Commissioner from 2010 to 2014.

As a United States Circuit Judge, I am responsible for hearing appeals of final orders of the district court in both civil and criminal cases, as well as certain interlocutory orders that district courts issue. I am also responsible for resolving petitions for review of certain agency actions. My work involves considering motions, participating in panel arguments on the merits of appeals, conferring with other panel members on the matters

to which we are assigned, writing opinions, voting on petitions for rehearing and rehearing en banc, and providing comments to other judges regarding their draft decisions.

As a United States District Judge, I was responsible for resolving a wide range of disputes concerning criminal and civil matters that are assigned to me through the court's random case assignment system. My work involved hearing and considering motions (including requests for emergency relief), addressing discovery disputes, holding settlement conferences, managing a criminal case docket, writing opinions, and presiding over bench and jury trials. I also entered guilty pleas and imposed sentences on defendants who were convicted of criminal offenses.

As a Vice Chair and Commissioner of the United States Sentencing Commission, I worked with Commission staff to evaluate, draft, and enact proposed changes to the federal sentencing guidelines that federal district court judges use to impose sentences on defendants in federal court. I prepared and delivered speeches and presentations about the federal sentencing system for criminal justice conferences and sentencing-related meetings, and I received feedback from United States district judges, federal probation officers, and prosecutors and defense counsel regarding operation of the guidelines as applied. I also questioned witnesses at Commission hearings based on my review of submitted testimony, and analyzed data regarding operation of the guidelines system, including judicial guideline compliance and variance rates.

As an Assistant Special Counsel on the United States Sentencing Commission, my primary role was to draft specific legislative proposals for amending the Sentencing Guidelines Manual and to prepare drafts of the reports and statements that the Commission published in the Federal Register. I met regularly with other Commission staff members as a member of various policy development teams that evaluated potential guideline amendments related to crimes involving hazardous materials, unsolicited commercial e-mail, and controlled substances. I attended the Commission's public meetings and assisted in the preparation of materials for the Commissioners. I also evaluated case law developments and crafted a series of alternative guideline-sentencing proposals prior to, and in anticipation of, the Supreme Court's decision in *Booker v. United States*, 543 U.S. 220 (2005).

I have not performed lobbying activity on behalf of any client or organization, and I am not and have never been a registered lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, compensation received for courses taught since confirmation to the United States District Court for the District of Columbia, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus for each year or term the course was taught, provide four (4) copies to the committee

I have served as part of a team of instructors who teach a one-week Trial Advocacy Workshop at Harvard Law School. I taught this course during the Law School's Winter Terms in 2018 and 2019. Syllabi supplied. I did not receive any compensation for teaching this course.

I created and taught a Federal Sentencing Seminar at the George Washington University Law School in the Spring of 2011, 2012, and 2014. This course examines various aspects of federal sentencing policy and procedure. Syllabi supplied. I was paid \$1,765 for teaching this course in 2014.

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

I have no anticipated receipts or expected future benefits or compensation of any kind.

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

If confirmed, I do not have any plans, commitments, or agreements to pursue outside employment.

22. **Sources of Income**: List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

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

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

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

No family members or other persons, parties, categories of litigation or financial arrangements are likely to present potential conflicts of interest for me.

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

If confirmed, I would resolve any conflict of interest by looking to the Code of Conduct for United States Judges (although it is not formally binding on members of the Supreme Court of the United States); the Ethics Reform Act of 1989, 28 U.S.C. § 455; and any other relevant prescriptions. I would seek guidance from judicial ethics officials to structure my limited financial investments to minimize the potential for conflicts. And I would recuse myself from matters in which I participated while a judge on the district court and the court of appeals.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional 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.

From 2005 to 2007, I served as an Assistant Federal Public Defender, and as such, 100% of my time was devoted to the disadvantaged. In addition, approximately 15 to 20% of the time that I spent at each of the general litigation firms that I have been affiliated with involved pro bono litigation work or services. As an example, I represented the American Bar Association in the filing of an amicus brief in a state supreme court case involving an indigent parent's right to counsel in child custody proceedings. I also successfully assisted in the preparation of an asylum petition for a pregnant juvenile who was a victim of sexual assault and illegal human trafficking, represented a civil rights organization in its evaluation of the effects and implications of high-stakes testing on the educational opportunities of students in low-income communities, and represented an indigent criminal defendant in filing appeal-related motions in the United States Court of Appeals for the Fourth Circuit.

26. **Selection Process:**

- a. Describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and any interviews in which you participated). List all interviews or communications you had with anyone in the Executive Office of the President, Justice Department, President-elect transition team, or presidential campaign. Additionally, list all interviews or communications you or an individual known to you to be acting on your behalf had regarding your nomination or your potential nomination by the current President with outside organizations or individuals at the behest of anyone in the Executive Office of the President, Justice Department, President-elect transition team, or presidential campaign. List all persons present, participating,

or otherwise involved in such interviews or communications. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On January 30, 2022, White House Counsel Dana Remus contacted me concerning my potential nomination to the Supreme Court to fill the anticipated vacancy that would arise from Justice Breyer's announced retirement. Since that date, I have been in contact with Dana Remus, White House Chief of Staff Ronald Klain, and officials from the White House Counsel's Office and the White House Office of Presidential Personnel regarding my potential nomination and the nominations process. On February 11, 2022, I met with the Vice President on Zoom concerning the nomination. On February 14, 2022, I met with President Biden and Ms. Remus at the White House concerning the nomination. On February 24, 2022, the President offered me the nomination, and I accepted, and he announced his intent to nominate me on February 25, 2022.

- b. Has anyone involved in the process of selecting you for this nomination (including, but not limited to anyone in the Executive Office of the President, the Justice Department, the President-elect transition team, presidential campaign, or the Senate and its staff) ever discussed with you any currently pending or specific case, legal issue, or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully. Identify each communication you had prior to the announcement of your nomination with anyone in the Executive Office of the President, the Justice Department, the President-elect transition team or presidential campaign, outside organization or individual (at the behest of anyone working in the Executive Office of the President, the Justice Department, President-elect transition, or presidential campaign), or the Senate or its staff referring or relating to your views on any case, issue, or subject that could come before the Supreme Court of the United States, state who was present or participated in such communication, and describe briefly what transpired.

No.

- c. Did you make any representations to any individuals or organizations as to how you might rule as a Justice, if confirmed? If you know of any such representations made by the White House or individuals acting on behalf of the White House, please describe them, and if any materials memorializing those communications are available to you, please provide four (4) copies.

No.