

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

James Chiun-Yue Ho

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

U.S. Circuit Judge for the Fifth Circuit

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

Gibson, Dunn & Crutcher LLP
2100 McKinney Avenue, Suite 1100
Dallas, Texas 75201-6912

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

1973; Taipei, Taiwan.

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.

1996 – 1999, The University of Chicago Law School; J.D. (with high honors), 1999

1995 – 1996, California State University, Sacramento (California Senate Fellows Program)

1991 – 1995, Stanford University; B.A. (with honors), 1995

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.

2010 – present
Gibson, Dunn & Crutcher LLP

2100 McKinney Avenue, Suite 1100
Dallas, Texas 75201-6912
Partner (2010 – present)
Co-Chair, Appellate and Constitutional Law Practice Group (2016 – present)

2008 – 2010
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
Solicitor General

2006 – 2008
Gibson, Dunn & Crutcher LLP
2100 McKinney Avenue, Suite 1100
Dallas, Texas 75201-6912
Of Counsel

2005 – 2006
Supreme Court of the United States
1 First Street, N.E.
Washington, District of Columbia 20543
Law Clerk to Justice Clarence Thomas

2003 – 2005
United States Senator John Cornyn
517 Hart Senate Office Building
Washington, District of Columbia 20510
Chief Counsel, Senate Judiciary Subcommittee on Immigration (2005)
Chief Counsel, Senate Judiciary Subcommittee on the Constitution (2003 – 2005)

2001 – 2003
United States Department of Justice
Office of Legal Counsel
950 Pennsylvania Avenue, N.W.
Washington, District of Columbia 20530-0001
Attorney Adviser

2001
United States Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Washington, District of Columbia 20530-0001
Special Assistant to the Assistant Attorney General for Civil Rights

2000 – 2001
Gibson, Dunn & Crutcher LLP

1050 Connecticut Avenue, N.W.
Washington, District of Columbia 20036-5306
Associate

1999 – 2000
U.S. Court of Appeals for the Fifth Circuit
12621 U.S. Courthouse
515 Rusk
Houston, Texas 77002-2698
Law Clerk to Judge Jerry E. Smith

Summer 1999
Cooper, Carvin & Rosenthal, PLLC (now Cooper & Kirk, PLLC)
1523 New Hampshire Avenue, N.W.
Washington, District of Columbia 20036
Summer Associate

Summer 1999
Kirkland & Ellis LLP
655 Fifteenth Street, N.W.
Washington, District of Columbia 20005-5793
Summer Associate

Summer 1998
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, N.W.
Washington, District of Columbia 20036-5306
Summer Associate

Summer 1997
Sonnenschein, Nath & Rosenthal LLP (now Dentons)
601 South Figueroa Street, Suite 2500
Los Angeles, California 90017-5704
Summer Associate

1995 – 1996
California State Senator Quentin L. Kopp
State Capitol
Sacramento, California 95814
Legislative Aide

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

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

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

National Diversity Council – Legal Diversity Week – “Top 50 Multicultural Lawyers” – Dallas (2017)

Chambers USA – Recognized for Appellate (2012 – present).

The Best Lawyers in America – Recognized for Appellate (2012 – present).

Benchmark – “Future Star” and “Litigation Star” (2012 – 2013, 2015 – present), National Impact Award (2016).

The Legal 500 – Recognized for Supreme Court and Appellate Litigation (2012 – 2013, 2017).

Texas Super Lawyers/Texas Monthly – “Rising Star” (2008, 2009, 2012, 2013) and “Super Lawyer” (2014 – present).

D Magazine – “Best Lawyers in Dallas” (2012 – present).

National Association of Attorneys General – Supreme Court Best Brief Award (2009, 2010, 2011).

The National Law Journal – “Minority 40 Under 40” (2011).

Law360 – “Rising Star” (2011).

SMU Asian Pacific American Law Students Association – Outstanding Attorney Achievement Award (2011).

Dallas Asian American Bar Association – Community Leader Award (2010).

Federalist Society for Law & Public Policy Studies, University of Chicago Law School Student Chapter – Lee Lieberman Otis Award for Distinguished Service (2010).

State Bar of Texas, Asian Pacific Interest Section – Justice David Wellington Chew Award (2010).

National Asian Pacific American Bar Association – Presidential Award (2009).

Texas Lawyer – “Extraordinary Minorities in Texas Law” (2009).

Conference on Asian Pacific American Leadership – Outstanding Contributions to Asian Pacific American Leadership (2008).

Gibson, Dunn & Crutcher LLP – Frank Wheat Award for Outstanding Achievements in Pro Bono (2008).

Greater Dallas Asian American Chamber of Commerce – Outstanding Contributions in Law (2007).

National Asian Pacific American Bar Association – “Best Lawyers Under 40” (2006).

Award for Special Service, Combined Federal Campaign (2006).

The Hill – “35 Under 35” (2005).

U.S. Department of Defense – Exceptional Civilian Service Award (2002).

I received a number of scholarships for college and law school. To the best of my recollection, they came from the Coca-Cola Scholars Foundation, the Bradley Foundation, the Olin Foundation, and the Tony Patiño Foundation, as well as various scholarship funds administered by the University of Chicago Law School.

I also received various honors and recognitions in high school, college, and law school. For example, in law school, I was a member of the University of Chicago Law Review for two years, and upon graduation, I was awarded the Order of the Coif and the Ann Watson Barber Outstanding Service Award.

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

American Bar Association (2000 – present)

 Standing Committee on Amicus Curiae Briefs (2012 – 2014)

 Vice-Chair, Constitutional Law and Separation of Powers Committee (2006 – 2008)

 Vice-Chair, Legislative Process and Lobbying Committee (2006 – 2007)

American Bar Foundation (2009 – present)

American Law Institute (2011 – present)

Asian Pacific American Bar Association Educational Fund (AEF) (2003 – 2005)

 Board of Directors (2003 – 2005)

 Co-Founder/Board of Advisors, AEF Robert T. Matsui Annual Writing Competition (2005 – present)

Dallas Asian American Bar Association (2006 – present)
Board of Directors, At-Large Director (2014)
Secretary (2007 – 2008)

Dallas Association of Young Lawyers Foundation (2011 – present)

Dallas Bar Foundation (2011 – present)

Federal Judicial Evaluation Committee (2006 – 2017)
Vice Chair (2013 – 2017)
Member (2006 – 2013)

National Asian Pacific American Bar Association (2005 – present)
Co-Chair, Judiciary Committee (2007 – present)
Member, Convention Speakers Committee (2012)
Co-Chair, Convention Program Committee (2004)
Member, Convention Host Committee (2004)

State Bar of Texas (2006 – present)
Co-Chair, Pro Bono Committee, Appellate Section (2011)
Governmental Affairs Liaison, Appellate Section (2009 – 2010)
Editorial Board, *The Appellate Advocate* (2006 – 2008)

Supreme Court Historical Society (2006 – 2015)
Texas Membership Chair (2009 – 2012)
Faculty, Supreme Court Summer Institute for Teachers (2003)

Texas Bar Foundation (2011 – present)

Texas Supreme Court Historical Society (2010 – present)
Board of Trustees (2014 – present)
Charter Greenhill Fellow (2011 – 2014)

Texas State Historical Association (2007 – 2009)

Texas Historical Foundation (2007 – 2008)

U.S. Court of Appeals for the Second Circuit Pro Bono Panel (2012 – present)

U.S. Magistrate Judge Merit Selection Panel for the Northern District of Texas (2013)

10. **Bar and Court Admission:**

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

Virginia, 2000
District of Columbia, 2001
Texas, 2006

I voluntarily took inactive/associate member status in the Virginia bar in 2002, and I relinquished my membership in that bar in 2011.

- 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, 2004
U.S. Court of Appeals for the District of Columbia Circuit, 2008
U.S. Court of Appeals for the Second Circuit, 2012
U.S. Court of Appeals for the Fourth Circuit, 2013
U.S. Court of Appeals for the Fifth Circuit, 2006
U.S. Court of Appeals for the Sixth Circuit, 2009
U.S. Court of Appeals for the Seventh Circuit, 2009
U.S. Court of Appeals for the Ninth Circuit, 2007
U.S. Court of Appeals for the Tenth Circuit, 2016
U.S. District Court for the Eastern District of Texas, 2008
U.S. District Court for the Northern District of Texas, 2007
U.S. District Court for the Southern District of Texas, 2008
U.S. District Court for the Western District of Texas, 2008
U.S. District Court for the Eastern District of Wisconsin, 2014

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

American Civil Rights Institute, Legal Advisory Board (2000 – 2001)

Center for California Studies, California State University Sacramento
Board of Directors, Capital Fellows Alumni Association (2004 – 2005)

Coca Cola Scholars Foundation, National Selection Committee (2005)

Conference on Asian Pacific American Leadership (2005 – present)
Honorary Advisory Council (2013 – present)
Advisory Council (2005 – 2013)

Conservative Policy Foundation, Board of Directors (2016)

Continuity of Government Commission (2008 – present)

Dallas Assembly (2007 – present)
Treasurer (2012 – 2013)
Vice President, Programs (2011 – 2012)

Dallas Holocaust Museum, Board of Directors (2011 – 2013)

Dallas Symphony Association, Board of Governors (2011 – 2014)

Edmund Burke Society (1997 – present)
Chief Whip (1998)

Federalist Society for Law and Public Policy Studies (1996 – present)
Board of Advisors, Dallas Lawyers Chapter (2014 – present)
Executive Committee, Litigation Practice Group (2006 – 2008)
Chairman, Appellate Subcommittee (2006 – 2008)
Executive Committee, Federalism and Separation of Powers Practice Group (2000 – 2005)
Government/Public Sector Liaison (2003 – 2005)
Vice Chairman, E-Communications (2000 – 2003)
James Madison Club (2006 – present)
National Student Symposium, Co-Chair (1998 – 1999)
Executive Editor, *Harvard Journal of Law & Public Policy* (1998)
Treasurer, University of Chicago Law School Chapter (1997 – 1998)

The Green Bag
Contributing Editor (2007 – 2010)
Senior Editor (2001 – 2005)
Contributing Editor (1999 – 2000)
Student Editor (1998 – 1999)

Harvard Journal of Law & Public Policy, Executive Editor (1998)

Human Rights Initiative of North Texas, Inc., Board of Directors (2011 – 2015)

ImmigrationWorks USA, Policy Advisory Council (2007 – 2008)

Justice Human Action Network (1999)

Lawyers for Bush-Cheney, Regional Coordinator (2000)

Leadership Conference on Civil and Human Rights

- Advisory Committee, Americans for Constitutional Citizenship (2011)
 - Leadership Council on Legal Diversity, Fellow (2013)
 - Long Cove, Homeowners Advisory Committee (2015 – present)
 - Philosophical Society of Texas (2006 – present)
 - Pub. L. Misc.*, Editor (2011 – 2012)
 - Red Cross, Clara Barton Society (2017)
 - Southern Methodist University, 21st Century Council (2007 – 2015)
 - Stanford University
 - Public Policy Alumni Council (2012 – 2013)
 - Stanford in Washington Class Agent (2007)
 - Campaign Participation Committee, 2005 Reunion (2005)
 - Ted Cruz for Senate, Board of Directors (2011 – present)
 - Tex Lezar Memorial Lecture Series, Advisory Committee (2009 – 2010)
 - Texas Lyceum (2007 – 2011)
 - Texas Review of Law & Politics*
 - Board of Advisors (2014 – present)
 - Steering Committee (2001 – 2004)
 - Steering Committee, Executive Director (2000)
 - Tony Patiño Fellowship, Inc.
 - Board of Directors (2002 – 2006, 2009 – 2012)
 - Member, Screening Committee (2005)
 - United Nations Committee on the Elimination of Racial Discrimination
 - Member, U.S. Delegation (2001)
 - University of Chicago Law School
 - Alumni Admissions Committee (2006 – 2010)
 - University of North Texas at Dallas College of Law
 - Founders Board (2007 – present)
- b. The American Bar Association’s Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, religion, or national origin.

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

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies. I have been involved in various Asian-Americans affinity groups, but to the best of my knowledge, none of them limit membership to Asian-Americans.

12. Published Writings and Public Statements:

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

I have previously served as an editor for four law journals, *Harvard Journal of Law & Public Policy*, *The Green Bag*, *The Journal of Law* (the portion of it known as *Pub. L. Misc.*), and *The Appellate Advocate*. I was also co-editor of *QUIDSOME BALM: THE COLLECTED NONSENSE OF BRAINERD CURRIE* (2000). Copies supplied.

In addition, to the best of my recollection, I have authored or co-authored the following pieces:

With Kelly Shackelford, *U.S. Courts: Can't Pray at Work, Can't Pray at Home*, THE HILL, Sep. 1, 2017. Copy supplied.

Potential Threat if Senators Try To Delay Vote, DALLAS MORNING NEWS, Jan. 9, 2017, at 11A. Copy supplied.

With Rob Walters, *Why Dallas Has the Right To Block the Exxxotica Expo from the Convention Center*, DALLAS MORNING NEWS, Apr. 22, 2016, at 17A. Copy supplied.

Mateer Appointment Worthy of Praise, SAN ANTONIO EXPRESS-NEWS, Apr. 13, 2016. Copy supplied.

Paxton Ruling on Fantasy Sports Is Good for Texans, AUSTIN AMERICAN-STATESMAN, Jan. 26, 2016, at A10. Copy supplied.

Let Texans Keep Daily Fantasy Sports, DALLAS MORNING NEWS, Jan. 12, 2016, at

13A. Copy supplied.

With Prerak Shah, *Immigration, Alcohol and Rule of Law*, AUSTIN AMERICAN-STATESMAN, Mar. 7, 2015, at A13. Copy supplied.

Elite Appellate Lawyers Dominate Texas Politics, TEX. LAWYER, Dec. 22, 2014, at 27. Copy supplied.

Health Regulation Makes for Strange Bedfellows, TEX. TRIBUNE, Nov. 16, 2014. Copy supplied.

With Prerak Shah, *Criminal Prosecution of Governor Perry Is an Outrage*, AUSTIN AMERICAN-STATESMAN, Nov. 11, 2014. Copy supplied.

THE HERITAGE GUIDE TO THE CONSTITUTION 247-49 (2nd ed. 2014). Copy supplied.

Sen. John Cornyn Has Fought for Texas Conservatives Throughout His Career, DALLAS MORNING NEWS, Feb. 4, 2014. Copy supplied.

Natural Born Presidents, 2 J.L. (2 PUB. L. MISC.) 505 (2012). Copy supplied.

With Trevor W. Morrison, *Recess Ruckus*, 2 J.L. (2 PUB. L. MISC.) 191 (2012). Copy supplied.

With Michael D.Y. Sukenik, *Ten of the 5th Circuit's Most Important Opinions of 2011*, TEX. LAWYER, Dec. 19, 2011, at 34. Copy supplied.

With Ashley E. Johnson, *Ten Key Supreme Court Decisions of the 2010-2011 Term*, TEX. LAWYER, Sept. 19, 2011, at 25. Copy supplied.

Would U.S. Be Ready for a Repeat of 9/11?, DALLAS MORNING NEWS, Sept. 4, 2011, at 4P. Copy supplied.

Federalism and Medical Malpractice Reform, NAT'L L.J., Aug. 29, 2011, at 47. Copy supplied.

With Ted Cruz, *Lawsuit Against Governor Is Affront to Constitution*, HOUSTON CHRON., July 22, 2011, at B9. Copy supplied.

With John Yoo, *The Sword and the Purse (Part 1): The Role of Congress in War*, HERITAGE FOUNDATION (June 20, 2011). Copy supplied.

"Take Care" and Health Care, 1 J.L. (1 PUB. L. MISC.) 17 (2011). Copy supplied.

With Trevor W. Morrison, *Introducing Pub. L. Misc.*, 1 J.L. (1 PUB. L. MISC.) 13 (2011). Copy supplied.

Ban on Birthright Citizenship Unconstitutional, WASH. TIMES, Apr. 8, 2011, at B1. Copy supplied.

With Ashley E. Johnson, *Sunshine Is Bright This Month*, DALLAS MORNING NEWS, Mar. 30, 2011, at 17A. Copy supplied.

An Introduction to the Debate on the Arizona Immigration Law, 23 REGENT U.L. REV. 343 (2011). Copy supplied.

Birthright Citizenship and the 14th Amendment, WALL ST. J., Jan. 5, 2011, at A13. Copy supplied.

In Defense of Open Government, AUSTIN AMERICAN-STATESMAN, Dec. 17, 2010, at A13. Copy supplied.

Effective Brief Writing, State Bar of Texas, July 2010. Copy supplied.

Defending Texas: The Office of the Solicitor General, 29 REV. LITIG. 471 (2010). Copy supplied.

The Rise of Appellate Litigators and State Solicitors General, 29 REV. LITIG. 545 (2010).

Fifth Circuit Rejects First Amendment Challenge to Texas Open Meetings Law—For Now, MLRC MEDIA LAW LETTER, Sept. 2009, at 31. Copy supplied.

Defining “American:” Birthright Citizenship and the Original Understanding of the 14th Amendment, IMMIGRATION POLICY CENTER, Sept. 2009. Copy supplied.

Effective Brief Writing, STATE BAR OF TEXAS, July 2009. Copy supplied.

The Office of the Solicitor General: A Decade of Representing Texas Interests, 47 THE ADVOCATE 80, Summer 2009. Copy supplied.

The Office of the Solicitor General: Ten Years of Representing Texas Interests, 21 APPELLATE ADVOCATE No. 2 at 104, Winter 2008. Copy supplied.

Birthright Citizenship, The Fourteenth Amendment, and State Authority, 42 U. RICH. L. REV. 969 (2008). Copy supplied.

OPEN Government Act Restores Promise of FOIA, MLRC MEDIA LAW LETTER, Jan. 2008, at 38. Copy supplied.

Let's Abolish Unjust Barrier to Presidency, DES MOINES REGISTER, Jan. 3, 2008, at 11A. Copy supplied.

Birthright Citizenship, the Fourteenth Amendment, and the Texas Legislature, 12 TEX. REV. L. & POL. 161 (2007). Copy supplied.

Constitutional Law: Punitives and Process, TEX. LAWYER, Dec. 24, 2007, at 34. Copy supplied.

The Supreme Court's Renewed Interest in Antitrust and Intellectual Property Law, 20 APPELLATE ADVOCATE No. 1 at 10, Fall 2007. Copy supplied.

The Supreme Court's Renewed Interest in Antitrust and Intellectual Property Law, 7 ABA ANTITRUST LITIGATOR, at 1, Fall 2007. Copy supplied.

Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment, 33 ABA ADMIN. & REG. L. NEWS, at 5, Fall 2007. Copy supplied.

With Kahn A. Scolnick, *Federal Pleading Standards: Bell Atlantic Corporation v. Twombly*, LEXISNEXIS EXPERT COMMENTARIES, Oct. 2007. Copy supplied.

With Tara Magner, *A Victory for Open Government*, AUSTIN AMERICAN-STATESMAN, Sept. 17, 2007, at A9. Copy supplied.

Born in the U.S.A.: Does that Guarantee Citizenship? 14th Amendment Says So, DES MOINES REGISTER, Sept. 16, 2007, at 10P. Copy supplied.

With Theodore J. Boutros, Jr., *En Banc D.C. Circuit Reverses Earlier Ruling and Restores First Amendment Right to Publish Truthful Information – Even If Source Acted Unlawfully*, MLRC MEDIA LAW LETTER, May 2007, at 9. Copy supplied.

Can Congress Repeal Birthright Citizenship?, L.A. TIMES, Mar. 10, 2007, at A21. Copy supplied.

With Theodore J. Boutros, Jr., *Supreme Court Strengthens Constitutional Protections Against Arbitrary and Excessive Punitive Damage Awards*, MLRC MEDIA LAW LETTER, Feb. 2007, at 31. Copy supplied.

With Sandra Tanamachi, Scott Newar, Jodi Bernstein, & George J. Hirasaki, *Panel Discussion: The Struggle to Change "Jap Road"*, 13 ASIAN AM. L. J. 145 (2006). Copy supplied.

U.S. District Judge Dana Makoto Sabraw, NAPABA LAWYER, Fall 2006, at 1. Copy supplied.

Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment, 9 GREEN BAG 2D 367 (2006). Copy supplied.

The AEF Robert T. Matsui Annual Writing Competition, 11 ASIAN PAC. AM. L. J. 120 (2006). Copy supplied.

THE HERITAGE GUIDE TO THE CONSTITUTION 127-32, 189-91, 195-98 (2005).
Copy supplied.

The AEF Robert T. Matsui Annual Writing Competition, NAPABA LAWYER, Fall 2005, at 9. Copy supplied.

The NAPABA Judiciary Committee: Past, Present and Future, NAPABA LAWYER, Fall 2004, at 10. Copy supplied.

Ensuring the Continuity of Government in Times of Crisis: An Analysis of the Ongoing Debate in Congress, 53 CATH. U. L. REV. 1049 (2004). Copy supplied.

The Continuity of Government: Colloquy, 53 CATH. U. L. REV. 1073 (2004).
Copy supplied.

Running for the White House from the Hill, 7 GREEN BAG 2D 205 (2004). Copy
supplied.

President Schwarzenegger – Or At Least Hughes?, 7 GREEN BAG 2D 108 (2004).
Copy supplied.

With Stuart Buck, Brett H. McGurk, Tara Ross, & Kannon K. Shanmugam,
Judicial Recess Appointments: A Survey of the Arguments, FEDERALIST SOCIETY
(2004). Copy supplied.

Employment for Ex-Presidents, 7 GREEN BAG 2D 3 (2003). Copy supplied.

With John C. Yoo, *The Status of Terrorists*, 44 VA. J. INT'L L. 207 (2003),
summarized in A.B.A. NAT'L SECURITY L. REP., December 2003, at 1. Copy
supplied.

International Law and the Liberation of Iraq, 8 TEX. REV. L. & POL. 79 (2003).
Copy supplied.

California Supreme Court Justice Ming Chin, NAPABA LAWYER, Summer 2003,
at 7. Copy supplied.

Unnatural Born Citizens and Acting Presidents, 17 CONST. COMMENT. 575
(2000), *reprinted in* 22 IMMIGR. & NAT'LITY L. REV. 129 (2002). Copies

supplied.

There's Nothing Unlawful About Clerk Bonuses, TEX. LAWYER, Jan. 4, 2002, at 35. Copy supplied.

Letter to the Editor, AM. SPECTATOR, Dec. 6, 2000. Copy supplied.

And the Race Goes On, WASH. POST, Dec. 1, 2000, at A34. Copy supplied.

Misunderstood Precedent: Andrew Jackson and the Real Case Against Censure, 24 HARV. J.L. & PUB. POL'Y 283 (2000). Copy supplied.

Much Ado About Nothing: Dick Cheney and the 12th Amendment, 5 TEX. REV. L. & POL. 227 (2000), summarized in LEGAL TIMES, Sept. 18, 2000, at 65. Copies supplied.

Green Bag Digests, 3 GREEN BAG 2D 341 (2000). Copy supplied.

With Edwin Meese III, *Reagan's Legal Revolutionary*, 3 GREEN BAG 2D 193 (2000). Copy supplied.

Don't Consent to Bill Lann Lee, WASH. TIMES, Mar. 9, 1999, at A17. Copy supplied.

Ignoring Advice and Consent, INVESTOR'S BUS. DAILY, Jan. 29, 1999. Copy supplied.

A year of Bill Lann Lee, WASH. TIMES, Dec. 24, 1998, at A17. Copy supplied.

Balancing Bill Lann Lee, THE NEW REPUBLIC, Feb. 16, 1998, at 4-5. Copy supplied.

With Steven J. Duffield, *The Illegal Appointment of Bill Lann Lee*, 2 TEX. REV. L. & POL. 335 (1998), summarized in *The Lawless Tenure of Bill Lann Lee*, WASH. TIMES, Sept. 3, 1998, at A21, and updated in *The (Still) Illegal Appointment of Bill Lann Lee*, 3 TEX. REV. L. & POL. 403 (1999). Copies supplied.

Free Speech. First and Foremost., FEDERALIST FORUM, Nov. 1997. Copy supplied.

Two Wrongs Don't Make a Right, RAFU SHIMPO, Oct. 9, 1996, at 1. Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If

you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

To the best of my knowledge, I have no responsive materials other than the following, supplied above in response to question 12(a):

With Stuart Buck, Brett H. McGurk, Tara Ross & Kannon K. Shanmugam, *Judicial Recess Appointments: A Survey of the Arguments*, FEDERALIST SOCIETY (2004).

- 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.

To the best of my knowledge, the following materials are responsive to this request for testimony or official statements made on my own behalf (as opposed to statements made on behalf of a client) to public bodies or public officials on matters of public policy or legal interpretation:

Amicus Brief in *Ex parte Perry*, 483 S.W.3d 884 (Tex. Crim. App. 2016). Copy supplied.

Amicus Brief in *Ex parte Perry*, 471 S.W.3d 63 (Tex. App.—Austin 2015). Copy supplied.

Amicus Brief in *Ex parte Perry*, Case No. D1DC14-100139 (Tex. Dist.—390th 2014). Copy supplied.

Letter to Members of Congress, from the Americans for Constitutional Citizenship Advisory Committee, Mar. 28, 2011. Copy supplied.

U.S. House of Representatives, Committee on the Judiciary, Subcommittee on Courts and Competition Policy, *Legal Issues Concerning State Alcohol Regulation*, Mar. 18, 2010. Copy supplied.

Texas House of Representatives, Committee on State Affairs, Committee on Border and International Affairs, *Joint Hearing on Immigration and Border Security Issues*, Mar. 28, 2007, published as *Birthright Citizenship, the Fourteenth Amendment, and the Texas Legislature*, 12 TEX. REV. L. & POL. 161 (2007), supplied in response to Question 12(a) above.

Letter to Senator Orrin Hatch, Chairman, Senate Judiciary Committee, from Asian American leaders, Aug. 4, 1999. Copy supplied.

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

To the best of my recollection:

Mar. 22, 2017: Speaker, "Introduction of Justice Boatright and Remarks," Dallas Bar Association, Judicial Investiture Ceremony. I have no notes, transcript, or recording. The address of the Dallas Bar Association is 2101 Ross Avenue, Dallas, Texas 75201.

Nov. 4, 2016: Speaker, "An Insider's Look Into the Federal Judicial Selection Process," National Asian Pacific American Bar Association, San Diego, California. I have no notes, transcript, or recording. The address of the National Asian Pacific American Bar Association is 1612 K Street, N.W., Suite 510, Washington, District of Columbia 20006.

June 27, 2016: Panelist, "Adapting the Three Tier System and Tied House Rules to the Future," National Conference of State Liquor Administrators, Chicago, Illinois. Text supplied.

June 16, 2016: Moderator, "A View From the Top: Judges' Perspectives on Diversity in the Legal Profession," TexasBarCLE, State Bar Annual Meeting, Fort Worth, Texas. I have no notes, transcript, or recording. The address of TexasBarCLE is P.O. Box 12487, Austin, Texas 78711.

Mar. 3, 2016: Speaker, "E Pluribus Unum: The Immigration Conundrum," Seventh Circuit Bar Association, Chicago, Illinois. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Dec. 8, 2015: Speaker, "Freedom Fighter: The Story of Ted Cruz," available at <http://www.americanclarion.com/2015/12/08/the-ted-cruz-story-41275/>; <https://youtu.be/3hrms1ACMn0> (see 5:40-6:18 and 9:00-9:15) (2015).

Oct. 16, 2015: Debater, "Does the Fourteenth Amendment Require Birthright Citizenship?," Heritage Foundation, Washington, District of Columbia. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN

BAG 2D 367 (2006), supplied in response to Question 12(a) above. Recording supplied.

Sept. 10, 2015: Speaker, Asian American Republican Reception, Irving Republican Women's Club, Irving, Texas. I have no notes, transcript, or recording. I responded to questions concerning public service. The address of the Irving Republican Women's Club is 1320 Greenway Drive, Irving, Texas 75038.

Aug. 15, 2015: Speaker, "Challenging State Overreach," Federalist Society for Law & Public Policy Studies, Counsels Summit, Park City, Utah. My remarks were based in part on a series of articles and documents published as "*Take Care*" and *Health Care*, 1 J.L. (1 PUB. L. MISC.) 17 (2011), supplied in response to Question 12(a) above.

Aug. 19, 2014: Speaker, "An Analysis of the Supreme Court's 2013 October Term," Federalist Society for Law & Public Policy Studies, Tarrant County Lawyers Chapter, Fort Worth, Texas. Background materials supplied.

July 17, 2014: Speaker, "U.S. Supreme Court Update," TexasBarCLE, State Bar College Summer School, Galveston, Texas. Background materials supplied as materials for August 19, 2014 event.

July 15, 2014: Speaker, "Supreme Court Roundup," Federalist Society for Law & Public Policy Studies, Dallas Lawyers Chapter, Dallas, Texas. Background materials supplied as materials for August 19, 2014 event.

July 14, 2014: Speaker, "Supreme Court Review," Federalist Society for Law & Public Policy Studies, Austin Lawyers Chapter, Austin, Texas. Background materials supplied as materials for August 19, 2014 event.

June 11, 2014: Speaker, "Defending Texas: The Office of the Solicitor General and the Case of *Fisher v. University of Texas at Austin*," AT&T Office of General Counsel, Dallas, TX. My remarks were based on an article published as *Defending Texas: The Office of the Solicitor General*, 29 REV. LITIG. 471 (2010), supplied in response to Question 12(a) above, and on my work in *Fisher v. University of Texas*, 631 F.3d 213 (5th Cir. 2011). Brief supplied as background material for the May 23, 2014 event.

June 6, 2014: Speaker, Texas Supreme Court Historical Society, Austin, Texas. I introduced the speaker, former U.S. Trade Representative Ron Kirk, at the John Hemphill Dinner. I have no notes, transcript, or recording. The address of the Texas Supreme Court Historical Society is P.O. Box 12673, Austin, Texas 78711.

May 23, 2014: Speaker, "Affirmative Action: An Update on *Fisher v. University of Texas at Austin*," TexasBarCLE, Austin, Texas. Background materials supplied.

Mar. 26, 2014: Panelist, Dallas Asian American Bar Association, Dallas Hispanic Bar Association, Dallas Women Lawyers Association, and J.L. Turner Legal Association, Dallas, Texas. I gave remarks on the topic of career advice for young lawyers. I have no notes, transcript, or recording. The address of the Dallas Asian American Bar Association is 2101 Ross Avenue, Dallas, Texas 75201.

Sept. 17, 2013: Panelist, "Asian Americans, Citizenship, and the U.S. Constitution: Contributions and Controversy," Committee of 100, Speakers Forum, Washington, District of Columbia. Recording and speaker's brief supplied.

Sept. 13, 2013: Speaker, "U.S. Supreme Court Update," TexasBarCLE Advanced Civil Appellate Practice Course, Austin, Texas. My remarks were based in part on my work in *Fisher v. University of Texas*, 631 F.3d 213 (5th Cir. 2011). Brief supplied as background material for the May 23, 2014 event.

Aug. 27, 2013: Speaker, DFW General Counsel Group, Dallas, Texas. I gave remarks on the subject of U.S. Supreme Court and appellate advocacy. My remarks were based in part on my work in *Fisher v. University of Texas*, 631 F.3d 213 (5th Cir. 2011). Brief supplied as background material for the May 23, 2014 event.

Aug. 13, 2013: Speaker, "United States Supreme Court Term in Review," Federalist Society for Law & Public Policy Studies, Houston Lawyers Chapter, Houston, Texas. My remarks were based in part on my work in *Fisher v. University of Texas*, 631 F.3d 213 (5th Cir. 2011). Brief supplied as background material for the May 23, 2014 event.

July 23, 2013: Speaker, Dan Branch for Attorney General, SMU Dedman School of Law, Dallas, Texas. I have no notes, transcript, or recording. The address of SMU Dedman School of Law is 3315 Daniel Ave, Dallas, TX 75205.

July 22, 2013: Speaker, "Supreme Court Roundup," Dallas, Texas. The event was cosponsored by the Federalist Society for Law & Public Policy Studies, Dallas Lawyers Chapter, and J. Reuben Clark Law Society, Dallas Lawyers Chapter, Dallas, Texas. My remarks were based in part on my work in *Fisher v. University of Texas*, 631 F.3d 213 (5th Cir. 2011). Brief supplied as background material for the May 23, 2014 event.

July 17, 2013: Speaker, "United States Supreme Court Update: A Review of the 2012 – 2013 Term," Federalist Society for Law & Public Policy Studies, Austin Lawyers Chapter, Austin, Texas. My remarks were based in part on my work in *Fisher v. University of Texas*, 631 F.3d 213 (5th Cir. 2011). Brief supplied as background material for the May 23, 2014 event.

July 16, 2013: Speaker, "An Analysis of the Supreme Court's 2012 October Term," Federalist Society for Law & Public Policy Studies, Tarrant County Lawyers Chapter, Fort Worth, Texas. My remarks were based in part on my work in *Fisher v. University of Texas*, 631 F.3d 213 (5th Cir. 2011). Brief supplied as background material for the May 23, 2014 event.

May 31, 2013: Speaker, "Texas Open Meetings Act," TexasBarCLE, Austin, Texas. My remarks were based on my prior writings on the topic, supplied in response to Question 12(a) above, as well as my work in *Rangra v. Brown*, 584 F.3d 206 (5th Cir. 2009), and *Asgeirsson v. Abbott*, 696 F.3d 454 (5th Cir. 2012). Briefs supplied.

Nov. 17, 2012: Speaker, "*Fisher v. University of Texas*," National Asian Pacific American Bar Association, Washington, District of Columbia. My remarks were based on my work in *Fisher v. University of Texas*, 631 F.3d 213 (5th Cir. 2011). Brief supplied as background material for the May 23, 2014 event.

Nov. 16, 2012: Panelist, "Appellate Advocacy: Building Skills, Building a Practice," National Asian Pacific American Bar Association, Washington, District of Columbia. I have no notes, transcript, or recording. The address of the National Asian Pacific American Bar Association is 1612 K Street, N.W., Suite 510, Washington, District of Columbia 20006.

Oct. 26, 2012: Speaker, "High Court Update: U.S. Supreme Court Civil Law Update," Tarrant County Bar Association, Fort Worth, Texas. My remarks were based in part on my work in *Fisher v. University of Texas*, 631 F.3d 213 (5th Cir. 2011). Brief supplied as background material for the May 23, 2014 event.

Sept. 22, 2012: Panelist, "The Supreme Court Weighs In: What's Happened and What's Next," Just the Beginning Foundation Conference, Chicago, Illinois. My remarks were based in part on a series of articles and documents published as "*Take Care*" and *Health Care*, 1 J.L. (1 PUB. L. MISC.) 17 (2011), supplied in response to Question 12(a) above, and on my work in *Fisher v. University of Texas*, 631 F.3d 213 (5th Cir. 2011). Brief supplied as background material for the May 23, 2014 event.

July 24, 2012: Speaker, "Supreme Court Roundup," Federalist Society for Law & Public Policy Studies, Dallas Lawyers Chapter, Dallas, Texas. My remarks were based in part on a series of articles and documents published as "*Take Care*" and *Health Care*, 1 J.L. (1 PUB. L. MISC.) 17 (2011), supplied in response to Question 12(a) above.

July 20, 2012: Panelist, "Judicial and Governmental Perspectives on Appellate Practice," State Bar of Texas, Appellate Section, and Dallas Bar Association, Business Litigation Section, Dallas, Texas. My remarks were based in part on an

article published as *Defending Texas: The Office of the Solicitor General*, 29 REV. LITIG. 471 (2010), supplied in response to Question 12(a) above.

July 18, 2012: Speaker, “2012 U.S. Supreme Court Review,” Federalist Society for Law & Public Policy Studies, Iowa Lawyers Chapter, Des Moines, Iowa. My remarks were based in part on a series of articles and documents published as “*Take Care*” and *Health Care*, 1 J.L. (1 PUB. L. MISC.) 17 (2011), supplied in response to Question 12(a) above.

July 16, 2012: Speaker, “U.S. Supreme Court Update: A Review of the 2011 – 2012 Term,” Federalist Society for Law & Public Policy Studies, Austin Lawyers Chapter, Austin, Texas. My remarks were based in part on a series of articles and documents published as “*Take Care*” and *Health Care*, 1 J.L. (1 PUB. L. MISC.) 17 (2011), supplied in response to Question 12(a) above.

June 20, 2012: Speaker, “Affirmative Action – The Supreme Court Docket & Where the Law is Going,” The Leadership Council on Legal Diversity (LCLD), 1L LCLD Scholars Program, Chicago, Illinois. My remarks were based on my work in *Fisher v. University of Texas*, 631 F.3d 213 (5th Cir. 2011). Brief supplied as background material for the May 23, 2014 event.

Mar. 19, 2012: Speaker, “Defending Texas: The Office of the Solicitor General,” Dallas Public Affairs Luncheon Club, Dallas, Texas. My remarks were based on an article published as *Defending Texas: The Office of the Solicitor General*, 29 REV. LITIG. 471 (2010), supplied in response to Question 12(a) above.

Dec. 16, 2011: Speaker, “*Fisher v. University of Texas*: Are Campus Racial Preferences Out of Control?,” The Heritage Foundation and the Federalist Society for Law & Public Policy Studies, Washington, District of Columbia. My remarks were based on my work in *Fisher v. University of Texas*, 631 F.3d 213 (5th Cir. 2011). Brief supplied as background material for the May 23, 2014 event. Press coverage supplied.

Nov. 19, 2011: Speaker, “Supreme Minds: The Lives of High Court Justices & Advocacy Before Them,” National Asian Pacific American Bar Association, Washington, District of Columbia. I have no notes, transcript, or recording. The address of the National Asian Pacific American Bar Association is 1612 K Street, N.W., Suite 510, Washington, District of Columbia 20006.

Nov. 18, 2011: Speaker, “The Trial Lawyers’ Conflicting Argument” and “Federal Cap Challenge,” Texas Alliance for Patient Access, Annual Membership Meeting, Austin, Texas. My remarks were based in part on an article published as *Federalism and medical malpractice reform*, NAT’L L.J., Aug. 29, 2011, at 47, supplied in response to Question 12(a) above, and my work in *Watson v. Hortman*, 844 F. Supp. 2d 795 (E.D. Tex. 2012). Briefs supplied.

Nov. 18, 2011: Speaker, National Asian Pacific American Law Student Association, Annual Conference, Atlanta, Georgia. I gave remarks on the topic of career advice to young lawyers. I have no notes, transcript, or recording. The address of the National Asian Pacific American Bar Association is 1612 K Street, N.W., Suite 510, Washington, District of Columbia 20006.

Oct. 13, 2011: Speaker, "Game Changers: Successful Strategies in High Stakes Litigation and Appeals," Gibson, Dunn & Crutcher LLP, Dallas, Texas. I have no notes, transcript, or recording. The address of the firm is 333 South Grand Avenue, Los Angeles, California 90071.

Aug. 11, 2011: Panelist, "Fighting to Protect Immigrant Rights: the Impact of anti-immigrant measures on Asian Americans," Asian American Center for Advancing Justice, Asian American Journalists Association Annual Convention, Detroit, Michigan. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

July 26, 2011: Speaker, "U.S. Supreme Court Update: A Review of the 2010 – 2011 Term," Federalist Society for Law & Public Policy Studies, Austin Lawyers Chapter, Austin, Texas. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006.

June 24, 2011: Speaker, "Defining 'American': Birthright Citizenship and the Rule of Law," State Bar of Texas, Annual Meeting, San Antonio, Texas. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

June 24, 2011: Panelist, "The Roberts Court and the Bill of Rights," State Bar of Texas, Annual Meeting, San Antonio, Texas. I have no notes, transcript, or recording. The address of the State Bar of Texas is 1414 Colorado Street, Austin, Texas 78701.

June 17, 2011: Panelist, "Judicial and Governmental Perspectives on Appellate Counsel and Appellate Ethics," State Bar of Texas, Appellate Section, Dallas, Texas. I have no notes, transcript, or recording. The address of the State Bar of Texas is 1414 Colorado Street, Austin, Texas 78701.

June 4, 2011: Speaker, "Born in The USA: Birthright Citizenship," National Asian Pacific American Bar Association, Northeast Regional Conference, Stamford, Connecticut. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to

Question 12(a) above.

June 2, 2011: Speaker, "Does the 14th Amendment Confer Birthright Citizenship on the Children of Illegal Aliens?," Federalist Society for Law & Public Policy Studies, Long Island Lawyers Chapter, Mineola, New York. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

May 27, 2011: Speaker, "Birthright citizenship," TexasBarCLE, Austin, Texas. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

May 24, 2011: Speaker, Ted Cruz for Senate, Dallas, Texas. I gave remarks introducing the candidate. I have no notes, transcript, or recording. The address of the campaign is 815 A Brazos, PMB 550, Austin, Texas 78701.

Apr. 29, 2011: Moderator, "Roundtable with Justices, Dallas Court of Appeals," Rockwall County Bar Association, 2011 Bench-Bar Conference, Rockwall, Texas. I have no notes, transcript, or recording. The address of the association is P.O. Box 2071, Rockwall, Texas 75087.

Apr. 26, 2011: Debater, "Birthright citizenship and the Fourteenth Amendment," Federalist Society for Law & Public Policy Studies, Los Angeles Lawyers Chapter, Los Angeles, California. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Apr. 19, 2011: Speaker, "Birthright citizenship," University of Arkansas Law School Student Chapter, Federalist Society for Law & Public Policy Studies, Fayetteville, Arkansas. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Apr. 16, 2011: Speaker, "Birthright Citizenship and the 14th Amendment," State Bar of Texas, Asian Pacific Interest Section, 15th Annual Retreat, Austin, Texas. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Apr. 16, 2011: Presenter, Texas Review of Law & Politics, Austin, Texas. I presented a portrait in honor of former Texas Solicitor General Gregory S. Coleman. I have no notes, transcript, or recording. The address of the Texas

Review of Law & Politics is 727 East Dean Keeton Street, Austin, Texas 78705.

Apr. 15, 2011: Speaker, "Birthright citizenship," University of Texas Law School Student Chapter, Federalist Society for Law & Public Policy Studies, Austin, Texas. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Apr. 14, 2011: Speaker, Houston Law Review Annual Banquet, Houston, Texas. I gave remarks on the topic of public service and career advice to rising lawyers. I have no notes, transcript, or recording. The address of the Houston Law Review is 4604 Calhoun Road, Houston, Texas 77204.

Apr. 13, 2011: Speaker, University of Houston Law Center Asian Law Students Association, Houston, Texas. I gave remarks on the topic of public service and career advice to rising lawyers. I have no notes, transcript, or recording. The address of the school is 4604 Calhoun Road, Houston, Texas 77204.

Apr. 12, 2011: Speaker, Southern Methodist University Dedman School of Law, Asian Pacific American Law Students Association Banquet, Dallas, Texas. I gave brief remarks upon receiving the Outstanding Attorney Achievement Award. I have no notes, transcript, or recording. The address of the school is 3315 Daniel Avenue, Dallas Texas 75205.

Apr. 11, 2011: Speaker, "Birthright citizenship," New York Law School Student Chapter, Federalist Society for Law & Public Policy Studies, New York, New York. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Mar. 31, 2011: Panelist, "Born in the USA?: The Historical and Constitutional Underpinnings of Birthright Citizenship," American Constitution Society and Center for American Progress, Washington, District of Columbia. Recording supplied.

Mar. 28, 2011: Speaker, "Lawyers, Guns and Money," National Beer Wholesalers Association, Legislative Conference, Washington, District of Columbia. I gave remarks on the topic of my experience litigating cases under the 21st Amendment. I have no notes, transcript, or recording. The address of the association is 1101 King Street, Suite 600, Alexandria, Virginia 22314. Press coverage supplied.

Mar. 7, 2011: Speaker, "Birthright citizenship," Institute for Justice and Journalism and University of Oklahoma Gaylord College of Journalism, Immigration in the Heartland Conference, Norman, Oklahoma. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006),

supplied in response to Question 12(a) above.

Mar. 7, 2011: Speaker, "Birthright citizenship," The University of Oklahoma College of Law Student Chapter, Federalist Society for Law & Public Policy Studies, Norman, Oklahoma. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Mar. 3, 2011: Speaker, "Border States Discuss Birthright Citizenship," Phoenix Law School Student Chapter, Federalist Society for Law & Public Policy Studies, Phoenix, Arizona. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Mar. 1, 2011: Speaker, "Defining 'American': Birthright Citizenship and the 14th Amendment," Texas Journal on Civil Liberties and Civil Rights, Civil Rights on the Border Symposium, Austin, Texas. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above. Press coverage supplied.

Feb. 25, 2011: Speaker, LAUNCH Diversity Conference, Austin, Texas. I gave remarks on the topic of public service and career advice. I have no notes, transcript, or recording. I have been unable to locate an address for this organization.

Feb. 23, 2011: Speaker, "Birthright citizenship," UCLA Law School Student Chapter, Federalist Society for Law & Public Policy Studies, Los Angeles, California. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Feb. 16, 2011: Speaker, "Birthright citizenship," Columbia Law School Student Chapter, Federalist Society for Law & Public Policy Studies, New York, New York. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Feb. 8, 2011: Speaker, "Birthright citizenship," Federalist Society for Law & Public Policy Studies, Civil Rights Practice Group Podcast. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above. Recording supplied.

Feb. 4, 2011: Speaker, "Birthright Citizenship for Children of Illegal Immigrants," Federalist Society for Law & Public Policy Studies, Dallas Lawyers Chapter, Dallas, Texas. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Feb. 2, 2011: Speaker, "Birthright citizenship," Lewis & Clark Law School Student Chapter, Federalist Society for Law & Public Policy Studies, Portland, Oregon. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Jan. 29, 2011: Speaker, Asian Pacific American Law Students Association Conference, Philadelphia, Pennsylvania. I gave remarks on public service and career advice to young lawyers. I have no notes, transcript, or recording. The address of the Penn Law Asian Pacific American Law Students Association is 3501 Sansom Street, Philadelphia, Pennsylvania 19104.

Jan. 10, 2011: Speaker, "Birthright citizenship," Stanford Law School Student Chapter, Federalist Society for Law & Public Policy Studies, Stanford, California. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Dec. 13, 2010: Panelist, "Diversity in the Top 20 Dallas Firms: Where Are We Five Years Later?," Dallas Diversity Task Force, Fifth Annual DDTF Report Release & Panel Discussion, Dallas, Texas. I have no notes, transcript, or recording. To the best of my knowledge, the Task Force is affiliated with the Dallas Bar Association. The address of the Dallas Bar Association is 2101 Ross Avenue, Dallas, Texas 75201.

Nov. 20, 2010: Speaker, "Advocacy at its Finest: Re-Arguing U.S. v. Wong Kim Ark," National Asian Pacific American Bar Association Annual Convention, Los Angeles, California. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Nov. 18, 2010: Panelist, "Civil Rights: Immigration, the Arizona Statute, and E Pluribus Unum," Federalist Society for Law & Public Policy Studies, National Lawyers Convention, Washington, District of Columbia. Recording supplied.

Nov. 4, 2010: Participant, "2010 Constitutional Law Round Table Discussion:

Fisher, CLS and Garcetti,” The University of Texas System, 10th Annual Legal Conference, Austin, Texas. My remarks were based on my work in *Fisher v. University of Texas*, 631 F.3d 213 (5th Cir. 2011). Brief supplied as background material for the May 23, 2014 event.

Oct. 26, 2010: Speaker, “Defending State Liquor Laws Under the 21st Amendment: A State Perspective,” Center for Alcohol Policy, 2010 Alcohol Law Symposium, Dallas, Texas. My remarks were based in part on my testimony before the House Judiciary Subcommittee on Courts and Competition Policy, *Legal Issues Concerning State Alcohol Regulation*, Mar. 18, 2010, supplied in response to Question 12(c) above.

Sept. 14, 2010: Speaker, “Does Diversity on the Bench Improve Judicial Decision Making?,” Dallas Association of Young Lawyers, Dallas, Texas. I have no notes, transcript, or recording. The address of the association is 2101 Ross Avenue, Dallas, Texas 75201.

Sept. 2, 2010: Speaker, “Appellate Advocacy: A Panel on Effective Techniques,” TexasBarCLE, Dallas, Texas. My remarks are based on an article published as *Effective Brief Writing*, State Bar of Texas, July 2010, supplied in response to Question 12(a) above.

Aug. 4, 2010: Speaker, “Defending Texas: The Office of the Solicitor General,” Dallas Bar Association, Government Law Section, Dallas, Texas. My remarks were based on an article published as *Defending Texas: The Office of the Solicitor General*, 29 REV. LITIG. 471 (2010), supplied in response to Question 12(a) above.

July 27, 2010: Speaker, “Effective Brief Writing,” TexasBarCLE, San Antonio, Texas. Background materials supplied.

July 9, 2010: Speaker, Minority Participation Committee, Dallas Bar Association, Dallas, Texas. I gave remarks about career advice for young lawyers. I have no notes, transcript, or recording. The address of the Dallas Bar Association is 2101 Ross Avenue, Dallas, Texas 75201.

May 28, 2010: Speaker, “The Roberts Court and the Bill of Rights: Past, Present, and Future,” TexasBarCLE, Austin, Texas. I have no notes, transcript, or recording. The address of TexasBarCLE is P.O. Box 12487, Austin, Texas 78711.

May 26, 2010: Speaker, Office of the Attorney General, Austin, Texas. I spoke to the summer law clerks about the work of the office. My remarks were based on an article published as *Defending Texas: The Office of the Solicitor General*, 29 REV. LITIG. 471 (2010), supplied in response to Question 12(a) above.

May 14, 2010: Speaker, The University of Chicago Law School Student Chapter, Federalist Society for Law & Public Policy Studies, Chicago, Illinois. I gave remarks upon receiving the Lee Liberman Otis Award. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006.

Mar. 3, 2010: Speaker, Naturalization Ceremony, U.S. District Court for the Southern District of Texas, Houston, Texas. I gave remarks on the privileges of U.S. citizenship. I have no notes, transcript, or recording. The address of the Court is 515 Rusk Avenue, Houston, Texas 77002.

Apr. 23, 2010: Panelist, "Appellate Practice," Rockwall County Bar Association, 2010 Bench Bar Conference, Rockwall, Texas. I have no notes, transcript, or recording. The address of the Rockwall County Bar Association is P.O. Box 2071, Rockwall, Texas 75087.

Apr. 17, 2010: Speaker, TexasBarCLE, 14th Annual APIS Conference & Retreat, city, state. I gave remarks upon receiving the Chief Justice David Wellington Chew Award for contributions on behalf of the Asian-Pacific American legal community in Texas. I have no notes, transcript, or recording. The address of TexasBarCLE is P.O. Box 12487, Austin, Texas 78711.

Feb. 27, 2010: Speaker, Harvard Asian Pacific American Law Students Association and National Asian Pacific American Conference on Law & Public Policy, Cambridge, Massachusetts. I have no notes, transcript, or recording. The Harvard Asian Pacific American Law Students Association can be reached at Harvard Law School, 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138, and the address of the National Asian Pacific American Bar Association is 1612 K Street, N.W., Suite 510, Washington, District of Columbia 20006. Press coverage supplied.

Jan. 25, 2010: Speaker, "An Evening with the Chief," Dallas, Texas. I gave an introduction of Chief Justice Wallace Jefferson. The event was a benefit in support of the Texas Access to Justice Foundation, hosted by the Uniting Students of Dallas, a student organization of Yavneh Academy of Dallas. I have no notes, transcript, or recording. The address of the Yavneh Academy of Dallas is 12324 Merit Drive, Dallas, Texas 75251.

Nov. 19, 2009: Speaker, "Understanding Federal Judicial Nominations and Tips for Effective Advocacy in Support of Judgeships," National Asian Pacific American Bar Association, Annual Convention, Boston, Massachusetts. I have no notes, transcript, or recording. The address of the National Asian Pacific American Bar Association is 1612 K Street, N.W., Suite 510, Washington, District of Columbia 20006.

Nov. 11, 2009: Speaker, Minority Attorney Trailblazers Program, Dallas Bar

Association, Dallas, Texas. I gave remarks about career advice for young lawyers. I have no notes, transcript, or recording. The address of the Dallas Bar Association is 2101 Ross Avenue, Dallas, Texas 75201.

Sept. 10, 2009: Speaker, "Role of Appellate Lawyers at the Solicitor General's Office," TexasBarCLE, 23rd Annual Advanced Civil Appellate Practice Course, Austin, Texas. My remarks were based on an article published as *The Office of the Solicitor General: A Decade of Representing Texas Interests*, 47 THE ADVOCATE 80, Summer 2009, supplied in response to Question 12(a) above.

July 29, 2009: Speaker, Office of the Attorney General, Austin, Texas. I spoke to the summer law clerks about the work of the office. My remarks were based on an article published as *The Office of the Solicitor General: A Decade of Representing Texas Interests*, 47 THE ADVOCATE 80, Summer 2009, supplied in response to Question 12(a) above.

July 21, 2009: Speaker, "Effective Brief Writing," TexasBarCLE, 35th Annual Advanced Criminal Law Course, Dallas, Texas. Background materials supplied.

July 2, 2009: Panelist, "Preserving Our Institutions: Presidential Succession," AEI-Brookings Continuity of Government Commission, Washington, District of Columbia. My remarks were based on an article published as *Ensuring the Continuity of Government in Times of Crisis: An Analysis of the Ongoing Debate in Congress*, 53 CATH. U. L. REV. 1049 (2004), supplied in response to Question 12(a) above. It is my understanding that this panel was broadcast on C-SPAN, but I have been unable to locate a recording of it.

June 3, 2009: Speaker, Office of the Attorney General, Austin, Texas. I spoke to the summer law clerks about the work of the office. My remarks were based on an article published as *The Office of the Solicitor General: A Decade of Representing Texas Interests*, 47 THE ADVOCATE 80, Summer 2009, supplied in response to Question 12(a) above.

May 21, 2009: Speaker, "Austin at the Epicenter: *Fisher*, *NAMUD*, and Civil Rights in the Age of Obama," TexasBarCLE, Houston, Texas. My remarks were based in part on my work in *Fisher v. University of Texas*, 631 F.3d 213 (5th Cir. 2011). Brief supplied as background material for the May 23, 2014 event.

May 12, 2009: Speaker, Federal Asian Pacific American Council National Leadership Training Conference, Houston, Texas. I gave remarks on the subject of public service. I have no notes, transcript, or recording. The address of FAPAC is P.O. Box 23184, Washington, D.C. 20026.

May 12, 2009: Speaker, The Greater Houston Pachyderm Club, Houston, Texas. My remarks were based on an article later published as *The Office of the Solicitor General: A Decade of Representing Texas Interests*, 47 THE ADVOCATE 80,

Summer 2009, supplied in response to Question 12(a) above.

May 1, 2009: Speaker, "From Schools to Strip Clubs: Litigation by State Solicitors General," The University of Chicago Law School Student Chapters of the Federalist Society for Law & Public Policy Studies and the American Constitution Society, Chicago, Illinois. My remarks were based on an article later published as *The Office of the Solicitor General: A Decade of Representing Texas Interests*, 47 THE ADVOCATE 80, Summer 2009, supplied in response to Question 12(a) above.

Apr. 21, 2009: Speaker, "The Office of the Solicitor General: Ten Years of Representing Texas Interests," Tarrant County Bar Association, Appellate Bar Section, Fort Worth, Texas. My remarks were based on an article later published as *The Office of the Solicitor General: A Decade of Representing Texas Interests*, 47 THE ADVOCATE 80, Summer 2009, supplied in response to Question 12(a) above.

Apr. 16, 2009: Speaker, "The History of the Solicitor General's Office," Dallas Bar Association, Appellate Law Section and Business Litigation Section, Dallas, Texas. My remarks were based on an article later published as *The Office of the Solicitor General: A Decade of Representing Texas Interests*, 47 THE ADVOCATE 80, Summer 2009, supplied in response to Question 12(a) above.

Apr. 14, 2009: Speaker, The Joe R. & Teresa L. Long Career Launch Program, The University of Texas School of Law, Austin, Texas. I gave remarks on the topic of career advice for young lawyers. I have no notes, transcript, or recording. The address of the University of Texas School of Law is 727 East Dean Keeton Street, Austin, Texas 78705.

Apr. 8, 2009: Speaker, "A Conversation with the Solicitor General of Texas," Southern Methodist University, Dedman School of Law, Dallas, Texas. My remarks were based on an article later published as *The Office of the Solicitor General: A Decade of Representing Texas Interests*, 47 THE ADVOCATE 80, Summer 2009, supplied in response to Question 12(a) above.

Mar. 28, 2009: Speaker, "Austin at the Epicenter: *Fisher*, *NAMUD*, and Civil Rights in the Age of Obama," State Bar of Texas, Asian Pacific Interest Section, 13th Annual Retreat, Austin, Texas. My remarks were based in part on my work in *Fisher v. University of Texas*, 631 F.3d 213 (5th Cir. 2011). Brief supplied as background material for the May 23, 2014 event.

Mar. 4, 2009: Speaker, Freedom of Information Foundation of Texas Directors' Dinner, Austin, Texas. My remarks were based on my work in *Rangra v. Brown*, 584 F.3d 206 (5th Cir. 2009). Brief supplied as background material for the May 31, 2013 event.

Jan. 22–23, 2009: Speaker, “Introduction” and “The Development of State SG Offices: A History,” The University of Texas School of Law, The Review of Litigation, Winter 2009 Symposium, Austin, Texas. My remarks were based on an article later published as *The Office of the Solicitor General: A Decade of Representing Texas Interests*, 47 THE ADVOCATE 80, Summer 2009, supplied in response to Question 12(a) above.

Dec. 16, 2008: Speaker, McGinnis, Lochridge & Kilgore, L.L.P., Austin, Texas. My remarks were based on an article later published as *The Office of the Solicitor General: A Decade of Representing Texas Interests*, 47 THE ADVOCATE 80, Summer 2009, supplied in response to Question 12(a) above.

Dec. 5, 2008: Speaker, “*Fisher v. University of Texas* and Defending Affirmative Action After *Grutter*: A Case Study in Retaining Appellate Counsel,” The University of Texas System, 8th Annual Legal Conference, Austin, Texas. My remarks were based in part on my work in *Fisher v. University of Texas*, 631 F.3d 213 (5th Cir. 2011). Brief supplied as background material for the May 23, 2014 event.

Nov. 18, 2008: Speaker, Conference on Asian Pacific American Leadership, Annual Gala, Washington, District of Columbia. I gave remarks on the subject of Asian Americans in public service. I have no notes, transcript, or recording. The address of the Conference on Asian Pacific American Leadership is P.O. Box 65073, Washington, District of Columbia 20035. Press coverage supplied.

Nov. 14, 2008: Speaker, “U.S. Supreme Court Update on Civil Trial Matters of Interest,” TexasBarCLE, 31st Annual Advanced Civil Trial Course, Houston, Texas. Background materials supplied.

Oct. 17, 2008: Speaker, Gibson, Dunn & Crutcher LLP, Appellate Group Retreat, Santa Barbara, California. My remarks were based on an article later published as *The Office of the Solicitor General: A Decade of Representing Texas Interests*, 47 THE ADVOCATE 80, Summer 2009, supplied in response to Question 12(a) above.

Oct. 16, 2008: Speaker, Institute for Justice Partners Conference, Cedar Creek, Texas. I gave remarks on the subject of the practice of law as a government lawyer. I have no notes, transcript, or recording. The address of the Institute for Justice is 901 North Glebe Road, Suite 900, Arlington, Virginia 22203.

Oct. 3, 2008: Speaker, “Public Service as a Career: Politics and Policymakers,” Coca-Cola Scholars Foundation 2008 Alumni Leadership Summit, Atlanta, Georgia. I gave remarks on the topic of public service. I have no notes, transcript, or recording. The address of the Coca-Cola Scholars Foundation is 1 Coca Cola Plaza N.W., Atlanta, Georgia, 30313.

Sept. 29, 2008: Speaker, Texas Regional Conference on Asian Americans and

Pacific Islanders, Dallas, Texas. The conference was sponsored by the Minority Business Development Agency, U.S. Department of Commerce, and White House Initiative on Asian Americans and Pacific Islanders. I gave remarks on the subject of public service. I have no notes, transcript, or recording. The address of the Minority Business Development Agency in Dallas, Texas is 8828 N. Stemmons Freeway Suite 550 B, Dallas, Texas 75247.

Sept. 22, 2008: Speaker, "Supreme Court Round-up," University of Texas Law School Student Chapter, Federalist Society for Law & Public Policy Studies, Austin, Texas. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006.

Aug. 29, 2008: Speaker, "U.S. Supreme Court Update on Civil Trial Matters of Interest," TexasBarCLE, 31st Annual Advanced Civil Trial Course, Dallas, Texas. Background materials supplied.

Aug. 15, 2008: Speaker, Supreme Court of Texas Planning Meeting, Austin, Texas. I have no notes, transcript, or recording. The address of the Supreme Court of Texas is P.O. Box 12248, Austin, Texas 78711.

Aug. 4, 2008: Speaker, American Civil Liberties Union of Texas, Austin, Texas. My remarks were based in part on an article later published as *The Office of the Solicitor General: A Decade of Representing Texas Interests*, 47 THE ADVOCATE 80, Summer 2009, supplied in response to Question 12(a) above.

July 25, 2008: Speaker, "Texas Supreme Court Update," TexasBarCLE, 20th Annual Suing and Defending Governmental Entities, San Antonio, Texas. Background materials supplied as background materials for August 29, 2008 event.

June 16, 2008: Speaker, Baker Botts LLP, Dallas, Texas. I spoke to the summer associates about public service. I have no notes, transcript, or recording. The address of Baker Botts is 2001 Ross Avenue, Dallas, Texas 75201.

June 13, 2008: Speaker, U.S. District Court for the Northern District of Texas, Dallas, Texas. I spoke to the summer interns about public service. I have no notes, transcript, or recording. The address of the court is 1100 Commerce Street, Room 1452, Dallas, Texas 75242.

Apr. 1, 2008: Speaker, "Birthright citizenship," Regent University School of Law Student Chapter, Federalist Society for Law & Public Policy Studies, Virginia Beach, Virginia. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Mar. 19, 2008: Speaker, "Birthright Citizenship: The Original Meaning of the Citizenship Clause," Washington University School of Law Student Chapter, Federalist Society for Law & Public Policy Studies, Lexington, Virginia. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Mar. 14, 2008: Panelist, "The New FOIA Law: Good News / Bad News," The First Amendment Center, National FOI Day Conference, Washington, District of Columbia. My remarks were based on an article published as *OPEN Government Act Restores Promise of FOIA*, MLRC MEDIA LAW LETTER, Jan. 2008, at 38, supplied in response to Question 12(a) above.

Mar. 8, 2008: Speaker, Asian American Leadership and Educational Conference, Southern Methodist University, Dallas, Texas. I gave remarks on the topic of public service. I have no notes, transcript, or recording. The address of the Asian American Leadership and Educational Conference is 3140 Dyer Street, Dallas, Texas 75275.

Feb. 7, 2008: Speaker, "Birthright Citizenship - International Trends and Policies," American Bar Association, 2008 Midyear Meeting, Section of International Law, Section of Litigation Immigration Litigation Committee, Los Angeles, California. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Feb. 6, 2008: Speaker, "Birthright citizenship," University of San Francisco School of Law Student Chapter, Federalist Society for Law and Public Policy Studies, San Francisco, California. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Jan. 17, 2008: Speaker, "Punitive Damages Update: January 2008," Chrysler LLC, Product Liability Litigation Tier 1 Counsel Meeting, Scottsdale, Arizona. My remarks were based in part on articles published as *Constitutional Law: Punitives and Process*, TEX. LAWYER, Dec. 24, 2007, at 34, and *Supreme Court Strengthens Constitutional Protections Against Arbitrary and Excessive Punitive Damage Awards*, MLRC MEDIA LAW LETTER, Feb. 2007, at 31, supplied in response to Question 12(a) above.

Nov. 17, 2007: Speaker, "Defining "American": Birthright Citizenship and the 14th Amendment," National Asian Pacific American Bar Association, 19th Annual Convention, Las Vegas, Nevada. My remarks were based on an article

published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Oct. 11, 2007: Speaker, "Representing Wal-Mart Before the Court of Public Opinion," Wal-Mart Stores Inc., 2007 Outside Counsel Conference, Bentonville, Arkansas. I have no notes, transcript, or recording. The address of Wal-Mart Stores, Inc. is 702 S.W. 8th Street, Bentonville, Arkansas 72716.

Oct. 1, 2007: Speaker, "Review of the Supreme Court's most recent term," The University of Chicago Law School Student Chapter, Federalist Society for Law & Public Policy Studies, Chicago, Illinois. My remarks were based in part on an article published as *The Supreme Court's Renewed Interest in Antitrust and Intellectual Property Law*, 20 APPELLATE ADVOCATE No. 1 at 10, Fall 2007, supplied in response to Question 12(a) above.

Sept. 14, 2007: Speaker, "U.S. Supreme Court Update," The University of Oklahoma College of Law Student Chapter, Federalist Society for Law & Public Policy Studies, Norman, Oklahoma. My remarks were based in part on an article published as *The Supreme Court's Renewed Interest in Antitrust and Intellectual Property Law*, 20 APPELLATE ADVOCATE No. 1 at 10, Fall 2007, supplied in response to Question 12(a) above.

Sept. 13, 2007: Speaker, "U.S. Supreme Court Update," Oklahoma City University School of Law Student Chapter, Federalist Society for Law & Public Policy Studies, Oklahoma City, Oklahoma. My remarks were based in part on an article published as *The Supreme Court's Renewed Interest in Antitrust and Intellectual Property Law*, 20 APPELLATE ADVOCATE No. 1 at 10, Fall 2007, supplied in response to Question 12(a) above.

Aug. 1, 2007: Speaker, "U.S. Supreme Court Update," R Club, Houston, Texas. My remarks were based in part on an article published as *The Supreme Court's Renewed Interest in Antitrust and Intellectual Property Law*, 20 APPELLATE ADVOCATE No. 1 at 10, Fall 2007, supplied in response to Question 12(a) above.

July 31, 2007: Speaker, "Supreme Court of the United States Update," Harris County Civil District Judicial Conference, Austin, Texas. My remarks were based in part on an article later published as *The Supreme Court's Renewed Interest in Antitrust and Intellectual Property Law*, 20 APPELLATE ADVOCATE No. 1 at 10, Fall 2007, supplied in response to Question 12(a) above.

July 26, 2007: Debater, "SCOTUS Term," Federalist Society for Law & Public Policy Studies, Washington, District of Columbia. Transcript supplied.

July 17, 2007: Speaker, "Recent Developments: The Supreme Court's Renewed Interest in Antitrust and Intellectual Property Law," Dallas Bar Association,

Antitrust & Trade Regulation Section, Dallas, Texas. My remarks were based on an article later published as *The Supreme Court's Renewed Interest in Antitrust and Intellectual Property Law*, 20 APPELLATE ADVOCATE No. 1 at 10, Fall 2007, supplied in response to Question 12(a) above.

July 13, 2007: Speaker, "Public Interest Litigation," The Texas Lyceum, Austin, Texas. I have no notes, transcript, or recording. The address of the Texas Lyceum is 7131 Lavendale Avenue, Dallas, Texas 75230.

June 29, 2007: Speaker, "Should children born in the US to illegal immigrants be considered US citizens under the Constitution?" and "Summary of Supreme Court Cases Just Handed Down," Legacy, Washington, District of Columbia. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

June 21, 2007: Speaker, "U.S. Supreme Court," Dallas Bar Association, Appellate Law Section, Dallas, Texas. My remarks were based in part on an article later published as *The Supreme Court's Renewed Interest in Antitrust and Intellectual Property Law*, 20 APPELLATE ADVOCATE No. 1 at 10, Fall 2007, supplied in response to Question 12(a) above.

May 19, 2007: Debater, "Policy and Constitutional Issues Related to Birthright Citizenship," State Bar of Texas, Asian Pacific Interest Section, 11th Annual Retreat, Dallas, Texas. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

May 18, 2007: Speaker, "Immigration Debate: Birthright Citizenship and the Fourteenth Amendment," American Bar Association, Section of Administrative Law and Regulatory Practice, 2007 Spring Meeting, Lincoln, Nebraska. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Apr. 23, 2007: Speaker, "Rethinking Birthright Citizenship," Federalist Society for Law & Public Policy Studies, San Diego Lawyers Chapter, San Diego, California. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Mar. 2, 2007: Speaker, "Defining 'American': Birthright Citizenship and the Original Understanding of the 14th Amendment," University of Texas School of Law Student Chapter, Federalist Society for Law & Public Policy Studies, Austin,

Texas. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Feb. 23, 2007: Speaker, "Defining 'American': Birthright Citizenship and the Original Understanding of the 14th Amendment," University of Southern California Law School Student Chapters, American Constitution Society and Federalist Society for Law & Public Policy Studies, Los Angeles, California. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Nov. 10, 2006: Speaker, "The State of Judicial Independence," National Asian Pacific American Bar Association, Annual Convention, Philadelphia, Pennsylvania. I have no notes, transcript, or recording. The address of the National Asian Pacific American Bar Association is 1612 K Street, N.W., Suite 510, Washington, District of Columbia 20006.

Oct. 26, 2006: Speaker, "Birthright Citizenship," Northwestern University Pritzker School of Law Student Chapter, Federalist Society for Law & Public Policy Studies, Chicago, Illinois. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Sept. 8, 2006: Speaker, Sunbelt Minority Job Fair, Dallas Asian American Bar Association, Dallas, Texas. I gave remarks on career advice. I have no notes, transcript, or recording. The address of the association is 2101 Ross Avenue, Dallas, Texas 75201.

Aug. 31, 2006: Speaker, "Birthright Citizenship," South Texas College of Law Student Chapter, Federalist Society for Law & Public Policy Studies, Houston, Texas. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Aug. 31, 2006: Speaker, "Life as a Supreme Court Law Clerk," University of Houston Law Center Student Chapter, Federalist Society for Law & Public Policy Studies, Houston, Texas. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006.

Aug. 30, 2006: Debater, "Birthright Citizenship," Federalist Society for Law & Public Policy Studies, Houston Lawyers Chapter, Houston, Texas. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN

BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Aug. 30, 2006: Speaker, "Birthright Citizenship," Federalist Society for Law & Public Policy Studies, Austin Lawyers Chapter, Austin, Texas. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Aug. 29, 2006: Speaker, "The Constitutional and Policy Implications of Birthright Citizenship," Federalist Society for Law & Public Policy Studies, Dallas Lawyers Chapter, Dallas, Texas. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Aug. 24, 2006: Speaker, "Defining 'American': Birthright Citizenship and the 14th Amendment," Texas Tech University School of Law Student Chapter, Federalist Society for Law & Public Policy Studies, Lubbock, Texas. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Aug. 14, 2006: Speaker, "Defining 'American': Birthright Citizenship and the Original Understanding of the 14th Amendment," Mexican American Bar Association of Houston, Houston, Texas. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

Aug. 4, 2006: Panelist, "Birthright Citizenship and the 14th Amendment," American Bar Association, Annual Meeting, Section of Administrative Law and Regulatory Practice, Section of Individual Rights and Responsibilities, Commission on Immigration, Honolulu, Hawaii. My remarks were based on an article published as *Defining "American": Birthright Citizenship and the Original Understanding of the 14th Amendment*, 9 GREEN BAG 2D 367 (2006), supplied in response to Question 12(a) above.

July 28, 2006: Speaker, Institute for Justice, Law Student Conference, Washington, District of Columbia. I gave remarks on the topic of public service and career advice for young lawyers. I have no notes, transcript, or recording. The address of the Institute for Justice is 901 North Glebe Road, Suite 900, Arlington, Virginia 22203.

July 6, 2006: Speaker, U.S. Department of Labor, Washington, District of Columbia. I spoke to the summer interns about public service. I have no notes, transcript, or recording. The address of the U.S. Department of Labor is 200

Constitution Avenue, N.W., Washington, District of Columbia 20210.

July 5, 2006: Speaker, Van Ness Feldman LLP, Washington, District of Columbia. I spoke to the summer associates about my experience as a U.S. Supreme Court law clerk. I have no notes, transcript, or recording. The address of Van Ness Feldman LLP is 1050 Thomas Jefferson Street, N.W., Seventh Floor, Washington, District of Columbia 20007.

June 28, 2006: Speaker, "U.S. Supreme Court," Asian American Justice Center, Washington, District of Columbia. I gave remarks about my experience as a U.S. Supreme Court law clerk. I have no notes, transcript, or recording. The Center can now be reached at Asian Americans Advancing Justice, 1620 L Street, N.W., Suite 1050, Washington, District of Columbia 20036.

June 22, 2006: Speaker, "Supreme Court Perspective," Vietnamese American Youth Leadership Conference, Washington, District of Columbia. I gave remarks about my experience as a U.S. Supreme Court law clerk. I have no notes, transcript, or recording. The address of the Vietnamese American Youth Leadership Conference is 6433 Northanna Drive, Springfield, Virginia 22150.

June 10, 2006: Panelist, "Internships," International Leadership Foundation, Washington, District of Columbia. I gave remarks about public service. I have no notes, transcript, or recording. The address of the International Leadership Foundation is 1300 Pennsylvania Avenue, N.W., Suite 700, Washington, District of Columbia 20004.

May 20, 2006: Speaker, Stanford Institute for Economic Policy Research, Conference in Honor of the Retirement of Roger Noll, Palo Alto, California. I spoke about my experience with Professor Noll. I have no notes, transcript, or recording. The address of the Stanford Institute for Economic Policy Research is 366 Galvez Street, Stanford, California 94305.

Mar. 27, 2006: Speaker, "U.S. Supreme Court," University of Maryland Francis King Carey School of Law, Washington, District of Columbia. I gave remarks about my experience as a U.S. Supreme Court law clerk. I have no notes, transcript, or recording. The address of the University of Maryland Francis King Carey School of Law is 500 West Baltimore Street, Baltimore, Maryland 21201.

Jan. 19, 2006: Speaker, "U.S. Supreme Court," Claremont McKenna College, Washington, District of Columbia. I gave remarks about my experience as a U.S. Supreme Court law clerk. I have no notes, transcript, or recording. The address of Claremont McKenna College is 888 Columbia Avenue, Claremont, California 91711.

Nov. 18, 2005: Speaker, "U.S. Supreme Court," University of Texas Student Government, Washington, District of Columbia. I gave remarks about my

experience as a U.S. Supreme Court law clerk. I have no notes, transcript, or recording. The address of the University of Texas Student Government is 2201 Speedway, Suite 2.102, Austin, Texas 78712.

Nov. 9, 2005: Speaker, "U.S. Supreme Court," University of Maryland Francis King Carey School of Law, Washington, District of Columbia. I gave remarks about my experience as a U.S. Supreme Court law clerk. I have no notes, transcript, or recording. The address of the University of Maryland Francis King Carey School of Law is 500 West Baltimore Street, Baltimore, Maryland 21201.

Oct. 1, 2005: Moderator, "Panel: Judicial Clerkships and Internships," Asian Pacific American Bar Association of the Greater Washington D.C. Area and Howard University School of Law, Washington, District of Columbia. I have no notes, transcript, or recording. The address of the Asian Pacific American Bar Association of the Greater Washington D.C. Area is P.O. Box 27223, Washington, District of Columbia 20038, and the address of Howard University School of Law is 2900 Van Ness Street, N.W., Washington, District of Columbia 20008.

Sept. 1, 2005: Speaker, "U.S. Supreme Court," Claremont McKenna College, Washington, District of Columbia. I gave remarks about my experience as a U.S. Supreme Court law clerk. I have no notes, transcript, or recording. The address of Claremont McKenna College is 888 Columbia Avenue, Claremont, California 91711.

June 19, 2005: Panelist, "Internships," International Leadership Foundation, Washington, District of Columbia. I gave remarks about public service. I have no notes, transcript, or recording. The address of the International Leadership Foundation is 1300 Pennsylvania Avenue, N.W., Suite 700, Washington, District of Columbia 20004.

June 17, 2005: Speaker, "An Overview of the Federal Judicial Nomination Process," North American South Asian Bar Association, Washington, District of Columbia. I have no notes, transcript, or recording. The address of the Association, now known as South Asian Bar Association of North America, is 4800 Great America Parkway, Suite 310, Santa Clara, California 95054.

Apr. 9, 2005: Panelist, "Congressional Staffers: Views from the Inside," Committee of 100, Annual Conference, Washington, District of Columbia. I answered questions about my experience on Capitol Hill. I have no notes, transcript, or recording. The address of the Committee of 100 is 257 Park Avenue South, 19th Floor, New York, New York 10010.

Mar. 31, 2005: Speaker, "Respecting International Law," Benjamin N. Cardozo School of Law Student Chapter, Federalist Society for Law & Public Policy Studies, New York, New York. My remarks were based in part on an article

published as *The Status of Terrorists*, 44 VA. J. INT'L L. 207 (2003), supplied in response to Question 12(a) above.

Mar. 31, 2005: Speaker, "Judicial Nominations," Federalist Society for Law & Public Policy Studies, Long Island Lawyers Chapter, Mineola, New York. My remarks were based on articles published by Senator Cornyn as *Restoring Our Broken Judicial Confirmation Process*, 8 TEX. REV. L. & POL. 1 (2003), and *Our Broken Judicial Confirmation Process and the Need for Filibuster Reform*, 27 HARV. J.L. & PUB. POL'Y 181 (2003). Copies supplied.

Mar. 24, 2005: Speaker, "Being a Lawyer and Member of the Legal Profession," American University Washington College of Law, Washington, District of Columbia. I have no notes, transcript, or recording. The address of the American University Washington College of Law is 4300 Nebraska Avenue, N.W., Washington, District of Columbia 20016.

Mar. 24, 2005: Speaker, "Food for Thought," American Society of Access Professionals, Washington, District of Columbia. I gave remarks about Senator Cornyn's work to reform the Federal Freedom of Information Act. I have no notes, transcript, or recording. The address of the American Society of Access Professionals is 1444 I Street, N.W., Suite 700, Washington, District of Columbia 20005.

Mar. 19, 2005: Speaker, "The American Dream and the Natural Born Citizens Clause," AmendUS.Org, San Francisco, California. I gave remarks about my work on the Senate Judiciary Committee. I have no notes, transcript, or recording. The address of AmendUS.org was 145 Adams Drive, Suite 1081, Menlo Park, California 94025.

Mar. 16, 2005: Panelist, "Stirrings in Congress: Strengthening Access," The First Amendment Center, National FOI Day Conference, Washington, District of Columbia. I gave remarks about Senator Cornyn's work to reform the Federal Freedom of Information Act. I have no notes, transcript, or recording. The address of the First Amendment Center is John Seigenthaler Center, 1207 18th Avenue South, Nashville, Tennessee 37212.

Mar. 4, 2005: Speaker, University of Texas Law School, Asian Law Students Association, Austin, Texas. I gave remarks about career advice for young lawyers. I have no notes, transcript, or recording. The address of the law school is 727 East Dean Keeton Street, Austin, Texas 78705.

Mar. 4, 2005: Speaker, "Respecting International Law," University of Texas Law School Student Chapter, Federalist Society for Law & Public Policy Studies, Austin, Texas. My remarks were based in part on an article published as *The Status of Terrorists*, 44 VA. J. INT'L L. 207 (2003), supplied in response to Question 12(a) above.

Feb. 24, 2005: Moderator, "Jap Road" Panel Discussion, Asian American Bar Association of Houston and State Representative Martha Wong, Houston, Texas. My remarks were later published as *Panel Discussion: The Struggle to Change "Jap Road"*, 13 ASIAN AM. L. J. 145 (2006), supplied in response to Question 12(a) above.

Feb. 24, 2005: Speaker, University of Houston Law Center, Asian Law Students Association, Houston, Texas. I gave remarks about career advice for young lawyers. I have no notes, transcript, or recording. The address of the University of Houston Law Center is 4604 Calhoun Road, Houston, Texas 77004.

Feb. 23, 2005: Speaker, "The Battle for the Federal Judiciary and Judicial Nominations," Midland County Young Republicans, Midland, Texas. My remarks were based on articles published by Senator Cornyn as *Restoring Our Broken Judicial Confirmation Process*, 8 TEX. REV. L. & POL. 1 (2003), and *Our Broken Judicial Confirmation Process and the Need for Filibuster Reform*, 27 HARV. J.L. & PUB. POL'Y 181 (2003). Copies supplied as background material for the March 31, 2005 event. Press coverage supplied.

Feb. 22, 2005: Speaker, "Respecting International Law," University of Houston Law Center, International Law Society, Houston. My remarks were based in part on an article published as *The Status of Terrorists*, 44 VA. J. INT'L L. 207 (2003), supplied in response to Question 12(a) above.

Jan. 28, 2005: Speaker, "Symposium: Promoting a Sensible Rule of Law in the War on Terror: Continuity of Government," Center for Terrorism Law, St. Mary's University School of Law, Arlington, Virginia. My remarks were based on an article published as *Ensuring the Continuity of Government in Times of Crisis: An Analysis of the Ongoing Debate in Congress*, 53 CATH. U. L. REV. 1049 (2004), supplied in response to Question 12(a) above.

Nov. 12, 2004: Moderator, "Civil Liberties and the War on Terrorism," National Asian Pacific American Bar Association, 16th Annual Convention, Dallas, Texas. I have no notes, transcript, or recording. The address of the National Asian Pacific American Bar Association is 1612 K Street, N.W., Suite 510, Washington, District of Columbia 20006.

Nov. 12, 2004: Debater, "Judicial Nominations," Southern Methodist University, Dedman School of Law, Asian American Law Students Association and Student Chapter of the Federalist Society for Law & Public Policy Studies, Dallas, Texas. My remarks were based on articles published by Senator Cornyn as *Restoring Our Broken Judicial Confirmation Process*, 8 TEX. REV. L. & POL. 1 (2003), and *Our Broken Judicial Confirmation Process and the Need for Filibuster Reform*, 27 HARV. J.L. & PUB. POL'Y 181 (2003). Copies supplied as background material for the March 31, 2005 event.

Oct. 16, 2004: Moderator, "Panel: Judicial Clerkships and Internships," Asian Pacific American Bar Association of the Greater Washington D.C. Area and Howard University School of Law, Washington, District of Columbia. I have no notes, transcript, or recording. The address of the Asian Pacific American Bar Association of the Greater Washington D.C. Area is P.O. Box 27223, Washington, District of Columbia 20038, and the address of Howard University School of Law is 2900 Van Ness Street, N.W., Washington, District of Columbia 20008.

Oct. 14, 2004: Panelist, Georgetown University Law Center, Asian Pacific American Law Students Association, Washington, District of Columbia. I gave remarks about career advice for young lawyers. I have no notes, transcript, or recording. The address of the Georgetown Law Center is 600 New Jersey Avenue, N.W., Washington, District of Columbia 20001.

Sept. 24-25, 2004: Speaker, "Ensuring the Continuity of Government in Times of Crisis: An Analysis of the Ongoing Debate in Congress," Conference of Asian Pacific American Law Faculty, Michigan State University College of Law, East Lansing, Michigan. My remarks were based on an article published as *Ensuring the Continuity of Government in Times of Crisis: An Analysis of the Ongoing Debate in Congress*, 53 CATH. U. L. REV. 1049 (2004), supplied in response to Question 12(a) above.

Aug. 30, 2004: Speaker, Asian Pacific Americans for Bush-Cheney '04, Republican National Convention, New York, New York. I spoke about public service opportunities for young lawyers in the Bush Administration. I have no notes, transcript, or recording. The address of the Republican National Committee is 310 First Street, S.E., Washington, District of Columbia 20003.

July 7, 2004: Panelist, "Insider's View of Congress," Conference on Asian Pacific American Leadership, Washington, District of Columbia. The address of the Conference on Asian Pacific American Leadership is P.O. Box 65073, Washington, District of Columbia 20035.

June 30, 2004: Speaker, "Ensuring Continuity of Government after 9/11 – Anticipating the Unthinkable," Asian American Bar Association of Houston, Houston, Texas. My remarks were based on an article published as *Ensuring the Continuity of Government in Times of Crisis: An Analysis of the Ongoing Debate in Congress*, 53 CATH. U. L. REV. 1049 (2004), supplied in response to Question 12(a) above.

June 11, 2004: Speaker, "Judicial Nominations," Federalist Society for Law & Public Policy Studies, Austin Lawyers Chapter, Austin, Texas. My remarks were based on articles published by Senator Cornyn as *Restoring Our Broken Judicial Confirmation Process*, 8 TEX. REV. L. & POL. 1 (2003), and *Our Broken Judicial*

Confirmation Process and the Need for Filibuster Reform, 27 HARV. J.L. & PUB. POL'Y 181 (2003). Copies supplied as background material for the March 31, 2005 event.

May 17, 2004: Speaker, "Striking the Balance Between Homeland Security and Civil Liberties," William and Mary Public Policy Alumni Association, Carnegie Endowment for International Peace, Washington, District of Columbia. My remarks were based in part on an article published as *The Status of Terrorists*, 44 VA. J. INT'L L. 207 (2003), supplied in response to Question 12(a) above.

Mar. 25, 2004: Debater, "Justice in the Balance: The Current State of the Federal Judicial Nomination Process," Asian Pacific American Bar Association of the Greater Washington D.C. Area, Washington, District of Columbia. My remarks were based on articles published by Senator Cornyn as *Restoring Our Broken Judicial Confirmation Process*, 8 TEX. REV. L. & POL. 1 (2003), and *Our Broken Judicial Confirmation Process and the Need for Filibuster Reform*, 27 HARV. J.L. & PUB. POL'Y 181 (2003). Copies supplied as background material for the March 31, 2005 event.

Feb. 21, 2004: Speaker, "Judicial Nominations," Young Conservatives of Texas, Fort Worth, Texas. My remarks were based on articles published by Senator Cornyn as *Restoring Our Broken Judicial Confirmation Process*, 8 TEX. REV. L. & POL. 1 (2003), and *Our Broken Judicial Confirmation Process and the Need for Filibuster Reform*, 27 HARV. J.L. & PUB. POL'Y 181 (2003). Copies supplied as background material for the March 31, 2005 event.

Feb. 19, 2004: Speaker, "Ensuring the Continuity of Government after 9/11," St. Mary's University School of Law, Center for Terrorism Law, San Antonio, Texas. My remarks were based on an article later published as *Ensuring the Continuity of Government in Times of Crisis: An Analysis of the Ongoing Debate in Congress*, 53 CATH. U. L. REV. 1049 (2004), supplied in response to Question 12(a) above.

Feb. 13, 2004: Panelist, "Continuity of Congress," National Association of Secretaries of State and National Association of State Election Directors, Washington, District of Columbia. My remarks were based on an article later published as *Ensuring the Continuity of Government in Times of Crisis: An Analysis of the Ongoing Debate in Congress*, 53 CATH. U. L. REV. 1049 (2004), supplied in response to Question 12(a) above.

Jan. 28, 2004: Speaker, "Ensuring the Continuity of Government in Times of Crisis," Catholic University Law Review Symposium, Washington, District of Columbia. My remarks were based on an article later published as *Ensuring the Continuity of Government in Times of Crisis: An Analysis of the Ongoing Debate in Congress*, 53 CATH. U. L. REV. 1049 (2004), supplied in response to Question 12(a) above.

Jan. 9, 2004: Speaker, "Ensuring the Continuity of Government after 9/11," Southern Methodist University, Dedman School of Law, Dallas, Texas. My remarks were based on an article later published as *Ensuring the Continuity of Government in Times of Crisis: An Analysis of the Ongoing Debate in Congress*, 53 CATH. U. L. REV. 1049 (2004), supplied in response to Question 12(a) above.

Jan. 6, 2004: Speaker, "Judicial Nominations," Federalist Society for Law & Public Policy Studies, Dallas Lawyers Chapter, Dallas, Texas. My remarks were based on articles published by Senator Cornyn as *Restoring Our Broken Judicial Confirmation Process*, 8 TEX. REV. L. & POL. 1 (2003), and *Our Broken Judicial Confirmation Process and the Need for Filibuster Reform*, 27 HARV. J.L. & PUB. POL'Y 181 (2003). Copies supplied as background material for the March 31, 2005 event.

Jan. 6, 2004: Speaker, "Judicial Nominations," Dallas County Council of Republican Women, Dallas, Texas. My remarks were based on articles published by Senator Cornyn as *Restoring Our Broken Judicial Confirmation Process*, 8 TEX. REV. L. & POL. 1 (2003), and *Our Broken Judicial Confirmation Process and the Need for Filibuster Reform*, 27 HARV. J.L. & PUB. POL'Y 181 (2003). Copies supplied as background material for the March 31, 2005 event.

Nov. 10, 2003: Speaker, "Judicial Nominations," Mexican American Bar Association of Houston, Houston, Texas. My remarks were based on articles published by Senator Cornyn as *Restoring Our Broken Judicial Confirmation Process*, 8 TEX. REV. L. & POL. 1 (2003), and *Our Broken Judicial Confirmation Process and the Need for Filibuster Reform*, 27 HARV. J.L. & PUB. POL'Y 181 (2003). Copies supplied as background material for the March 31, 2005 event.

Oct. 30, 2003: Debater, "Advise and Consent," Catholic University of America Columbus School of Law Student Chapters of Democratic Law Students Association, the American Constitution Society, and the Federalist Society for Law & Public Policy Studies, Washington, District of Columbia. My remarks were based on articles published by Senator Cornyn as *Restoring Our Broken Judicial Confirmation Process*, 8 TEX. REV. L. & POL. 1 (2003), and *Our Broken Judicial Confirmation Process and the Need for Filibuster Reform*, 27 HARV. J.L. & PUB. POL'Y 181 (2003). Copies supplied as background material for the March 31, 2005 event.

Aug. 21, 2003: Speaker, "Judicial Nominations," Federalist Society for Law & Public Policy Studies, Houston Lawyers Chapter, Houston, Texas. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006. My remarks were based on articles published by Senator Cornyn as *Restoring Our Broken Judicial Confirmation Process*, 8 TEX. REV. L. & POL. 1 (2003), and *Our Broken Judicial Confirmation Process and the Need for Filibuster Reform*, 27 HARV. J.L.

& PUB. POL'Y 181 (2003). Copies supplied as background material for the March 31, 2005 event.

Aug. 9, 2003: Panelist, "Reconstruction of Iraq," American Bar Association, Annual Meeting, Section of International Law and Practice, San Francisco, California. My remarks were later published as *International Law and the Liberation of Iraq*, 8 TEX. REV. L. & POL. 79 (2003), supplied in response to Question 12(a) above.

Apr. 25, 2003: Panelist, Coca-Cola Scholars Foundation, Atlanta, Georgia. I have no notes, transcript, or recording. The address of the Coca-Cola Scholars Foundation is 1 Coca Cola Plaza N.W., Atlanta, Georgia, 30313.

- 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.

To the best of my recollection:

John Council, *Texas High Court Picks Up Oil Family's \$7.2M Attorney Fee Fight*, TEX. LAW., June 21, 2017. Copy supplied.

Alex Daugherty, *Choosing Sen. John Cornyn Could Help Trump Move on from FBI Controversy*, MCCLATCHY, May 15, 2017. Copy supplied.

John Council, *Abbott Appoints Former Assistant Attorney General to Dallas' Fifth Court of Appeals*, TEX. LAW., Jan. 11, 2017. Copy supplied.

Michelle Casady, *Oil Heir Appeals \$7M Judgment For Attys To Texas High Court*, LAW360, May 16, 2016. Copy supplied.

Dani Meyer, *5th Circ. Nixes Bid To Revive Beverage Permit Residency Rule*, LAW360, Apr. 22, 2016. Copy supplied.

Katie Leslie, *John Cornyn Once Said 'Any Nominee Deserved Vote. Now He's Helping Block Obama Court Pick*, DALLAS MORNING NEWS, Apr. 5, 2016. Copy supplied.

Bryan Koenig, *States, Groups Rip \$663M Trinity FCA Judgment at 5th Circ.*, LAW360, Mar. 29, 2016. Copy supplied.

Jonathan Mahler, *Ted Cruz Promoted Himself and Conservative Causes as Texas' Solicitor General*, N.Y. TIMES, Mar. 4, 2016. Copy supplied.

Late Supreme Court Justice Antonin Scalia Recalled by Dallas Lawyer, LEGAL

MONITOR WORLDWIDE, Feb. 18, 2016.

Will Weissert, *Cruz Makes His Vast Supreme Court Knowledge a Focal Point*, ASSOCIATED PRESS, Feb. 16, 2016.

Miriam Rozen, *Opposing Counsel About Ted Cruz: 'He Wasn't a Jerk,'* TEX. LAW., Feb. 8, 2016. Copy supplied.

Miriam Rozen, *Presidential Politics: Lawyers Join Grassroot Contributors*, TEX. LAW., Feb. 8, 2016. Copy supplied.

Braden Campbell, *Texas High Court Revives Cheerleaders' Free Speech Case*, LAW360, Feb. 1, 2016. Copy supplied.

Texas Supreme Court Decides in Favor of Kountze Cheerleaders in Bible Banner Case, PR NEWSWIRE, Jan. 29, 2016. Reprinted in multiple outlets and copy supplied.

Michelle Casady, *Appeals Court Says Oil Heir Owes Law Firm \$7M More*, LAW360, Jan. 27, 2016. Copy supplied.

Noah Bierman, *The Texas Job that Launched Cruz into Politics*, L.A. TIMES, Jan. 26, 2016. Copy supplied.

Bill Lambrecht, *For Cruz, Court Has Been Key to Career*, HOUSTON CHRON., Jan. 25, 2016. Copy supplied.

Noah Bierman, *Returning to Texas, Cruz Reset His Career and Created a Political Launchpad*, L.A. TIMES, Jan. 25, 2016. Copy supplied.

Bill Lambrecht, *Résumé Says a Lot About Cruz; Conservative Traits Shown as Young Solicitor General*, SAN ANTONIO EXPRESS-NEWS, Jan. 17, 2016, at 1A. Copy supplied.

Jess Krochtengel, *Texas Court Blocks \$11M Antitrust Award in Marketers' Fight*, LAW360, Dec. 18, 2015. Copy supplied.

Jess Krochtengel, *Texas Justices Give Free Speech Expert Slot in Perry's Args*, LAW360, Nov. 12, 2015. Copy supplied.

Jody Godoy, *5th Circ. Nixes Class Cert. in Energy Pyramid Scheme Fight*, LAW360, Oct. 15, 2015. Copy supplied.

Jess Krochtengel, *Perry Ruling Could Pave Path for Earlier Criminal Dismissals*, LAW360, July 24, 2015. Copy supplied.

Abby Livingston & Patrick Svitek, *Ted Cruz Will Seek the Presidency*, TEX. TRIB., Mar. 22, 2015. Copy supplied.

Mark Curriden, *Al Hill Jr. Must Pay Shamoun \$7.25 Million in Lawyer Fees*, TEX. LAWBOOK, Jan. 28, 2015. Copy supplied.

Janet Elliott, *Shell Defamation Case Carries Bigger Implications Experts Say Future Bribery Investigations Could Feel the Effects*, HOUSTON CHRON., Dec. 8, 2014, at B6. Reprinted in multiple outlets and copy supplied.

Brenda Sapino Jeffreys, *A Supreme Month: Lawyer Credits Preparedness in Ability to Argue Two U.S. High Court Cases in Three Weeks*, TEX. LAW., Dec. 8, 2014. Reprinted in multiple outlets and copy supplied.

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Terri Langford, *Bipartisan Group of Lawyers Wants Perry Case Dismissed*, TEX. TRIB., Nov. 10, 2014. Copy supplied.

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Kelly Knaub, *Lawyer Can't Shake KPMG Malpractice Suit*, LAW360, May 1, 2014. Copy supplied.

Jason Zengerle, *Texas Republicans Keep Moving Right – Think the Radicals Lost on Primary Day? Look Who They're About To Elect*, NEW REPUBLIC, Mar. 6, 2014. Copy supplied.

Meet Carl Stewart: He's Chief Judge of the Most Divisive, Controversial and Conservative Appeals Court in the Nation, 100 A.B.A. J. 52 (Feb. 2014). Copy supplied.

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Mark Curriden, *GCs Added to Expanded Federal Judicial Evaluation Committee*, TEX. LAWBOOK, Apr. 3, 2013. Copy supplied.

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Ann Zimmerman, *Pickens Losses Bid on Funds for Schools*, WALL ST. J., Mar. 20, 2013. Copy supplied.

Mark Curriden, *5th Circuit Rejects Appeal by T. Boone Pickens and OSU*

Boosters, DALLAS MORNING NEWS, Mar. 18, 2013. Copy supplied.

Ziva Branstetter, *Cowboy Athletics, OSU's Sports Development Arm, Has Taken a Wild Ride*, TULSA WORLD, Mar. 10, 2013. Copy supplied.

Enrique Rangel, *State Sen. Kirk Watson Introduces Bill To Modernize Open Meetings Act – Attorney general Says Measure Would Help Officials Be More Transparent*, LUBBOCK AVALANCHE J., Mar. 7, 2013. Copy supplied.

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Brian Bolduc, *'As Good As It Gets': Ted Cruz Runs for Senate*, NAT'L REV., Oct. 17, 2011. Copy supplied.

David Ingram, *Selective Service; Kang's New Role: Selecting Judicial Nominees*, NAT'L L. J., Sept. 26, 2011. Copy supplied.

Jim Vertuno, *Texas Supreme Court Upholds \$5 Strip Club Fee*, ASSOCIATED PRESS, Aug. 26, 2011. Reprinted in multiple outlets and copy supplied.

Ioanna Makris, *Strip Club Tax and Revenue Are Tangled in the Courts*, N.Y. TIMES, July 15, 2011. Reprinted in multiple outlets and copy supplied.

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Tony Mauro, *In Sovereign Immunity Case, States Win Again*, NAT'L L. J., Apr. 20, 2011. Copy supplied.

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Enrique Rangel, *Cities Lose Open Meetings Lawsuit*, AMARILLO GLOBE NEWS, Mar. 26, 2011. Copy supplied.

Ben James, *Rising Star: Gibson Dunn's James Ho*, LAW360, Mar. 15, 2011. Copy supplied.

Ryan Davis, *Wine Sellers Fail To Get Cert In Texas Shipping Case*, LAW360, Mar. 7, 2011. Copy supplied.

Thomas D. Edmondson, *Supreme Court Clarifies Appealability of Summary Judgment on Qualified Immunity*, U.S. LAW WEEK, Jan. 25, 2011. Copy supplied.

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Alisa A. Johnson, *Supreme Court Considers Whether States Can Be Sued for Damages under RLUIPA*, CRIM. L. REP., Nov. 10, 2010. Copy supplied.

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Tony Mauro, *Supreme Lightning: A Significant Spike in Summary Rulings*, TEX. LAW., Sept. 6, 2010. Copy supplied.

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Anna Stolley Persky, *Sounds of Silence Mandatory Moments Stir Latest Legal Rumbling*, 95 ABA J. 19, Aug. 2009. Copy supplied.

Texas Solicitor General Defends Moment of Silence Law, US FED. NEWS, Feb. 10, 2009.

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Attorney General Abbott Takes Action to Uphold 'Moment of Silence' Statute, U.S. STATE NEWS, Aug. 4, 2008. Copy supplied.

Texas AG Takes Moment of Silence Fight to Federal Appeals Court, AUSTIN BUS. J., Aug. 4, 2008. Copy supplied.

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Becky Bull, *Sen. Cornyn's Adviser: Jim Ho Plays Well on Both Sides of the Aisle*, SUPER LAWYERS, Apr. 2008. Copy supplied.

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Erin Gulden, *A Man for All Religions: Kelly Shackelford Fights for People of Faith*, SUPER LAWYERS, Oct. 2007. Copy supplied.

Jim Stratton, *Thompson Angers State Hispanics*, ORLANDO SENTINEL, Sept. 29, 2007. Copy supplied.

Mary Alice Robbins, *RFRA Rift: Parties Debate How Texas Religious Freedom Restoration Act Applies to Zoning*, TEX. LAW., Mar. 26, 2007. Copy supplied.

Daniel Freedman, Opinion, *Can I Be President?*, N.Y. SUN, Jan. 23, 2007. Copy supplied.

Born in the U.S.A., 31 WILSON Q. 1, Jan. 1, 2007. Copy supplied.

Marcia Coyle, *Latham Is the 'In' Spot for High Court Clerks*, NAT'L L. J., Oct. 30, 2006. Copy supplied.

Jonathan E. Kaplan, *They Love It, and They Do It Really Well*, HILL, Feb. 9, 2005. Copy supplied.

Mary Alice Robbins, *Suit Alleges Cheney Shouldn't Be On Republican Ticket*, TEX. LAW., Nov. 27, 2000. Copy supplied.

Bert Eljera, *Equal Access or Discrimination?*, ASIANWEEK, Oct. 24, 1996. Copy supplied.

Bill Subjecting Judicial Candidates to Gift Limits Set for Assembly Vote, METRO. NEWS ENTER., Aug. 21, 1996. Copy supplied.

Senator Proposes Newspapers Be Required To Post Certain Types of Legal Notices on Internet, METRO. NEWS ENTER., May 24, 1996. Copy supplied.

Jay Mathews, *American Journal; New Face of San Marino Town Takes Ethnic Transformation in Stride*, WASH. POST, June 4, 1991.

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

I have not held judicial office.

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

Of these, approximately what percent were:

- i. jury trials: _____%
bench trials: _____% [total 100%]

- ii. civil proceedings: _____%
criminal proceedings: _____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
 - e. Provide a list of all cases in which certiorari was requested or granted.
 - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal. (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. Public Office, Political Activities and Affiliations:

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

I have not held elective office. I have had no unsuccessful candidacies for public office or unsuccessful nominations for appointed office. I have held the following appointed positions:

Special Assistant to the Assistant Attorney General for Civil Rights (Mar. 2001 – Sept. 2001), Civil Rights Division, United States Department of Justice, Washington, District of Columbia; appointed March 2001 by Attorney General John David Ashcroft.

Chief Counsel to the Senate Judiciary Subcommittee on Immigration (Jan. 2005 – July 2005), United States Senate, Washington, District of Columbia; appointed January 2005 by United States Senator John Cornyn.

Chief Counsel to the Senate Judiciary Subcommittee on the Constitution (Feb. 2003 – Jan. 2005), United States Senate, Washington, District of Columbia; appointed February 2003 by United States Senator John Cornyn.

Solicitor General, State of Texas (2008 – 2010), Austin, Texas; appointed April 2008 by Attorney General Greg Abbott.

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

Adviser, Ted Cruz for President, Austin, Texas (2015 – 2016).

Appeared in campaign video “Freedom Fighter: The Story of Ted Cruz,” available at <http://www.americanclarion.com/2015/12/08/the-ted-cruz-story-41275/>; <https://youtu.be/3hrms1ACMn0> (see 5:40-6:18 and 9:00-9:15) (2015).

Introduction, Campaign Announcement, Dan Branch for Attorney General of Texas, Dallas, Texas (2013).

Board of Directors, Ted Cruz for Senate, Austin, Texas (2012 – present).

Adviser, Pete Olson for Congress, Sugar Land, Texas (2008).

Speaker, Asian Pacific Americans for Bush-Cheney '04, Republican National Convention, New York, New York (2004).

In addition, I have occasionally provided—on a purely voluntary basis, and without formal role or title—confidential legal advice to various other campaigns for state attorney general, Congress, and President.

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;

From 1999 to 2000, I served as a law clerk to the Honorable Jerry E. Smith, Circuit Judge of the United States Court of Appeals for the Fifth Circuit.

From 2005 to 2006, I served as a law clerk to the Honorable Clarence Thomas, Associate Justice of the Supreme Court of the United States.

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

I have not practiced law alone.

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

2000 – 2001

Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, N.W.
Washington, District of Columbia 20036-5306
Associate

2001

United States Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Washington, District of Columbia 20530-0001
Special Assistant to the Assistant Attorney General for Civil Rights

2001 – 2003

United States Department of Justice
Office of Legal Counsel
950 Pennsylvania Avenue, N.W.
Washington, District of Columbia 20530-0001
Attorney Adviser

2003 – 2005

United States Senator John Cornyn
517 Hart Senate Office Building
Washington, District of Columbia 20510
Chief Counsel, Senate Judiciary Subcommittee on Immigration (2005)
Chief Counsel, Senate Judiciary Subcommittee on the Constitution (2003
– 2005)

2006 – 2008

Gibson, Dunn & Crutcher LLP
2100 McKinney Avenue, Suite 1100
Dallas, Texas 75201-6912
Of Counsel

2008 – 2010

Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
Solicitor General

2010 – present

Gibson, Dunn & Crutcher LLP
2100 McKinney Avenue, Suite 1100
Dallas, Texas 75201-6912
Partner (2010 – present)
Co-Chair, Appellate and Constitutional Law Practice Group (2016 –
present)

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

I have never served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

I have been engaged in private practice as an appellate litigator at Gibson, Dunn, & Crutcher LLP from 2000 to 2001, 2006 to 2008, and 2010 to the present. My practice primarily entails litigation in federal and state appellate courts, but I also appear occasionally in trial courts for motions practice.

I have also served in a variety of legal positions in the public sector. From 2001 to 2003, I served at the U.S. Department of Justice, first as Special Assistant to the Assistant Attorney General for Civil Rights, and then as an Attorney Advisor in the Office of Legal Counsel, where I provided formal and informal legal advice on various issues facing the Executive Branch. From 2003 to 2005, I served as Chief Counsel to Senator John Cornyn, in his capacity as chairman of the Senate Judiciary Subcommittees on the Constitution and Immigration. From 2008 to 2010, I served as Solicitor General of Texas, the chief Supreme Court and appellate litigator of the State of Texas.

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

During my time associated with the firm, I have represented both plaintiffs and defendants, including large corporations, governmental entities, non-profit organizations, private individuals, and various pro bono clients.

During my time as Solicitor General of the State of Texas, I represented the State, its agencies, and its officials.

In both capacities, my work was primarily civil, but I also occasionally handled criminal matters as well.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

- i. Indicate the percentage of your practice in:

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

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 95%
- 2. criminal proceedings: 5%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather

than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I typically serve as lead counsel in appellate courts. But I have also frequently appeared in trial court—including matters tried to verdict, as well as matters resolved on motions practice. *See, e.g., Forte v. Wal-Mart Stores, Inc.*, 2011 WL 1740182 (S.D. Tex. 2011) (jury trial); *Shamoun & Norman, LLP v. Hill*, No. DC-10-14714 (Tex. Dist.—160th 2013) (jury trial); *One Technologies, L.P. v. Profinity, LLC*, 2014 WL 7247071 (Tex. Dist.—14th 2014) (jury trial); *United States ex rel. Harman v. Trinity Industries, Inc.*, No. 2:12-CV-00089-JRG (E.D. Tex. 2014) (jury trial); *ZeniMax Media, Inc. v. Oculus VR, LLC*, No. 3:14-CV-01849-K (N.D. Tex. 2017) (jury trial).

I have often been retained to play a leading role in trial court proceedings in anticipation of serving as lead appellate counsel on appeal—including matters expected to be tried before a jury. *See, e.g., Torres v. SGE Management LLC*, 2014 WL 129793 (S.D. Tex. 2014) (jury trial requested); *United States ex rel. Heath v. Wisconsin Bell, Inc.*, 111 F. Supp. 3d 923 (E.D. Wis. 2015) (jury trial requested); *DraftKings, Inc. v. Paxton*, No. DC-16-02593 (Tex. Dist.—68th 2016); *Tex. Ass'n of Business v. Tex. Alco. Bev. Comm'n*, No. 1:16-cv-00789-SS (W.D. Tex. 2016); *Traylor v. Trinity Indus., Inc.*, No. DC-14-01965 (Tex. Dist.—14th 2017) (settled prior to jury trial); *Tucker v. Trinity Indus., Inc.*, No. DC-14-11047 (Tex. Dist.—14th 2017) (settled prior to jury trial); *Dexter v. Trinity Indus., Inc.*, No. DC-15-11800 (Tex. Dist.—14th 2017) (jury trial requested); *Snyder v. Trinity Indus., Inc.*, No. DC-15-13547 (Tex. Dist.—14th 2017) (jury trial requested).

I have also served as lead trial counsel in various matters—typically matters suitable for resolution on motion rather than trial. *See, e.g., Free Market Foundation v. Reisman*, 540 F. Supp. 2d 751 (W.D. Tex. 2008); *Raby v. Johnson*, 2008 WL 4763677 (S.D. Tex. 2008); *In re Texas State Silica Products Liability Litigation*, No. 2004-7000 (Tex. Dist.—295th 2008); *In the Matter of the Marriage of J.B. and H.B.*, No. DF-09-1074 (Tex. Dist.—302nd 2009); *Croft v. Perry*, 604 F. Supp. 2d 932 (N.D. Tex. 2009); *Fisher v. Univ. of Texas*, 645 F. Supp. 2d 587 (W.D. Tex. 2009); *Walker v. Kaufman*, No. 1:08-cv-00381-LY (W.D. Tex. 2009); *In the Matter of the Marriage of Naylor and Daly*, No. D-1-FM-09-000050 (Tex. Dist.—126th 2010); *City of Alpine v. Abbott*, 730 F. Supp. 2d 630 (W.D. Tex. 2010); *Asgeirsson v. Abbott*, 773 F. Supp. 2d 684 (W.D. Tex. 2011); *In re Application of Republic of Ecuador (Connor)*, No. 4:11-mc-00516 (S.D. Tex. 2011); *In re Application of Republic of Ecuador (GSI Environmental, Inc.)*, No. 4:11-mc-00517 (S.D. Tex. 2011); *Watson v. Hortman*, 844 F. Supp. 2d 795 (E.D. Tex. 2012); *Churchill Downs Inc. v. Trout*, 979 F. Supp. 2d 746 (W.D. Tex. 2013); *Lusk v. Crown Cork & Seal Co.*, 2015 WL 505426 (N.D. Tex. 2015); *Griggs v. SGE Management, LLC*, 2015 WL 11438110 (W.D. Tex. 2015); *Houston Federation of Teachers v. Houston Ind. Sch. Dist.*, 2017 WL 1831106 (S.D. Tex. 2017).

I have served as trial counsel in a second chair or other capacity on numerous occasions. *See, e.g., Rowan Cos. v. Encana Corp.*, No. 2011-06481 (Tex. Dist.—151st 2011); *Villareal v. Dallas County*, 2011 WL 4850258 (N.D. Tex. 2011); *Hill v. Keliher*, No. 3:07-CV-02020-P (N.D. Tex. 2013); *Nat'l Ass'n of African-American Owned Media v. AT&T Inc.*, No. 14-cv-09256-PJW (C.D. Cal. 2015); *Herring Networks, Inc. v. AT&T Services, Inc.*, 2016 WL 4055636 (C.D. Cal. 2016).

Finally, I have served as amicus counsel in various trial court matters. *See, e.g., New York v. Microsoft Corp.*, 531 F. Supp. 2d 141 (D.D.C. 2008); *In re Hood*, No. 199-02483-2008 (Tex. Dist.—366th 2008); *Newdow v. Roberts*, No. 1:08-cv-02248-RBW (D.D.C. 2009); *Ex parte Perry*, No. D1DC14-100139 (Tex. Dist.—390th 2014); *Three Expo Events, L.L.C. v. City of Dallas*, 182 F. Supp. 3d 614 (N.D. Tex. 2016).

i. What percentage of these trials were:

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

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

I presented oral argument in *Sossamon v. Texas*, 563 U.S. 277 (2011).

In addition, I served as lead counsel for either petitioner or respondent in two other U.S. Supreme Court matters that resulted in a published opinion:

Thaler v. Haynes, 559 U.S. 43 (2010)
Medellin v. Texas, 554 U.S. 759 (2008)

I have also served as counsel of record for *amici curiae* in seven additional merits cases:

Integrity Staffing Solutions, Inc. v. Busk, 135 S. Ct. 513 (2014)
Missouri v. McNeely, 133 S. Ct. 1552 (2013)
Ortiz v. Jordan, 562 U.S. 180 (2011)
Harrington v. Richter, 562 U.S. 86 (2011)
National Rifle Ass'n of America, Inc. v. City of Chicago, 561 U.S. 1041 (2010)
McDonald v. City of Chicago, 561 U.S. 742 (2010)
Holland v. Florida, 560 U.S. 631 (2010)

I have filed briefs as lead counsel on behalf of a petitioner, respondent, or *amicus curiae* in 16 cases at the certiorari stage in the Supreme Court:

S.G.E. Mgmt., LLC v. Torres, No. 16-1309 (petn. pending)
Texas Package Stores Association, Inc. v. Fine Wine & Spirits of North Texas, LLC, 137 S. Ct. 494 (2016)
City of Hugo v. Buchanan, 565 U.S. 1275 (2012)
Utah Highway Patrol Ass'n v. American Atheists, Inc., 565 U.S. 994 (2011)
Aquino v. Suiza Dairy, Inc., 563 U.S. 1001 (2011)
Wine Country Gift Baskets.com v. Steen, 562 U.S. 1270 (2011)
Thunderhorse v. Pierce, 562 U.S. 1134 (2011)
Foster v. Thaler, 562 U.S. 1111 (2010)
Propes v. Thaler, 560 U.S. 907 (2010)
Carty v. Thaler, 559 U.S. 1106 (2010)
Rhine v. Deaton, 559 U.S. 903 (2010)
Young v. Texas, 558 U.S. 1093 (2009)
Davis v. Tarrant County, 558 U.S. 1024 (2009)
Bisby v. Crites, 558 U.S. 990 (2009)
First American Title Ins. Co. v. Combs, 556 U.S. 1221 (2009)
Oliver v. Quarterman, 556 U.S. 1181 (2009)

Finally, I have been supporting counsel (not counsel of record) in an additional 10 matters before the Supreme Court:

Arizona v. Martinez, No. 16-1489, (petn. pending)
Sterling v. United States, 137S. Ct. 2212 (2017)
Ryan v. Washington, 137 S. Ct. 1581 (2017)
Minnesota v. Thompson, 137 S. Ct. 1338 (2017)
Fisher v. University of Texas at Austin, 136 S. Ct. 2198 (2016)
United Student Aid Funds, Inc. v. Bible, 136 S. Ct. 1607 (2016)
Horne v. United States Dep't of Agriculture, 135 S. Ct. 2419 (2015)
Perez v. Mortgage Bankers Ass'n, 135 S. Ct. 1199 (2015)
Fisher v. University of Texas at Austin, 133 S. Ct. 2411 (2013)
Jimenez v. Quarterman, 555 U.S. 113 (2009)
Gibbs v. Babbitt, 531 U.S. 1145 (2001)

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. *Sossamon v. Texas*, 563 U.S. 277 (2011).

I served as lead counsel for the State of Texas before the U.S. Supreme Court, arguing that state prisons are not subject to suit for money damages under the Religious Land Use and Institutionalized Persons Act. The Court agreed by a vote of 6-2. Justice Thomas wrote the majority opinion, joined by Chief Justice Roberts and Justices Scalia, Kennedy, Ginsburg, and Alito. Justices Breyer and Sotomayor dissented. Justice Kagan took no part in consideration of the case.

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2. *Thaler v. Haynes*, 559 U.S. 43 (2010).

I served as lead counsel for the State of Texas before the U.S. Supreme Court, arguing that the Fifth Circuit had erred in reading the Supreme Court's *Batson* precedents to clearly establish that a judge must reject a demeanor-based explanation for a peremptory challenge unless the judge personally recalled the demeanor described. The Court [Roberts, Stevens, Scalia, Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor] unanimously agreed, summarily reversing the Fifth Circuit.

Co-Counsel:

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Lead Opposing Counsel:

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3. *Medellin v. Texas*, 554 U.S. 759 (2008).

I was lead counsel for the State of Texas during the stay of execution proceedings in this capital case. The U.S. Supreme Court had previously affirmed the dismissal of Medellin's petition for writ of habeas corpus, concluding that an adverse judgment of the International Court of Justice against the State of Texas was not directly enforceable federal law. *Medellin v. Texas*, 552 U.S. 491 (2008). In a per curiam decision, the Court [Roberts, Scalia, Kennedy, Thomas, Alito] denied Medellin a stay of execution, noting that neither the President of the United States nor the Governor of Texas had represented to the Court that any congressional or state legislative action with respect to Medellin's case was likely. Justices Stevens, Souter, Ginsburg, and Breyer filed dissenting opinions.

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4. *McDonald v. City of Chicago*, 561 U.S. 742 (2010), and *National Rifle Ass'n of America, Inc. v. City of Chicago*, 561 U.S. 1041 (2010).

In *McDonald*, the U.S. Supreme Court considered whether the Second Amendment right to keep and bear arms applies to the States by virtue of Fourteenth Amendment. I served as lead counsel for amici curiae Texas, Ohio, Arkansas, Georgia, Alabama, Alaska, Arizona, Colorado, Florida, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, arguing that the Second Amendment protects a fundamental right that applies against the States through the Due Process Clause of the Fourteenth Amendment. Justice Alito wrote the principal opinion for the Court, agreeing with the States. Chief Justice Roberts and Justices Scalia and Kennedy joined that opinion in full, and Justice Thomas joined in part. Justices Stevens, Ginsburg, Breyer, and Sotomayor dissented. Justice Alito's opinion cited Texas's amicus brief three times.

Lead Counsel for McDonald:

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Lead Counsel for National Rifle Association:

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5. *Bush v. Gore*, 531 U.S. 98 (2000).

As a junior associate at Gibson, Dunn & Crutcher LLP, I played a supporting role on behalf of then-Governor George W. Bush, in all stages of the federal court litigation arising out of the 2000 Presidential election, up to and including the U.S. Supreme Court. In that capacity, I researched legal issues and played a supporting role in the preparation of briefs.

The Court ruled in favor of Governor Bush in a per curiam opinion. Chief Justice Rehnquist filed a concurring opinion joined by Justices Scalia and Thomas. Justices Stevens, Souter, Ginsburg, and Breyer dissented.

Lead Counsel for then-Governor George W. Bush:

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6. *Fisher v. Univ. of Texas*, 631 F.3d 213 (5th Cir. 2011), *vacated*, 133 S. Ct. 2411 (2013), *on remand*, 758 F.3d 633 (5th Cir. 2014), *aff'd*, 136 S. Ct. 2198 (2016).

This dispute over the use of affirmative action in undergraduate admissions at the University of Texas at Austin made its way to the U.S. Supreme Court twice before that Court eventually ruled in favor of the University by a vote of 4-3, with Justices Kennedy, Ginsburg, Breyer and Sotomayor in the majority and Chief Justice Roberts and Justices Thomas and Alito in dissent. As the Solicitor General of Texas, I served as lead counsel for the University of Texas before both the federal district court in Austin [Sparks] and the Fifth Circuit [King, Higginbotham, and Garza] on its first hearing by that court. Although I was no longer lead counsel for the University after I left the Solicitor General's office, the University retained me as a consultant on the case going forward. I appeared on the University's subsequent briefs in the U.S. Supreme Court and Fifth Circuit in that capacity.

Co-Counsel:

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7. *Combs v. Texas Entertainment Ass'n, Inc.*, 347 S.W.3d 277 (Tex. 2011).

I served as lead counsel for the State of Texas in this constitutional challenge to a fee on strip clubs that serve alcohol within the State. Former State Representative Ellen Cohen (D-Houston) introduced legislation creating the fee to raise millions of dollars for victims of sexual assault. The State argued that the fee was directed not at speech, but at the negative secondary effects of strip clubs. The Austin Court of Appeals [Jones, Puryear, and Henson] disagreed, but the Texas Supreme Court [Jefferson, Hecht, Wainwright, Green, Medina, Johnson, Willett, Guzman, Lehrmann] reversed that decision and upheld the fee as consistent with the First Amendment.

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8. *Rangra v. Brown*, 584 F.3d 206 (5th Cir. 2009); *Asgeirsson v. Abbott*, 696 F.3d 454 (5th Cir. 2012).

In a series of rulings involving “one of the most prominent disputes impacting the interests of media companies in Texas” (*Law360*), the Fifth Circuit rejected challenges to the Texas Open Meetings Act under the First Amendment. I served as lead counsel for the State of Texas, both in *Rangra* before the Fifth Circuit en banc [Jones, King, Jolly, Davis, Smith, Barksdale, Garza, Benavides, Stewart, Dennis, Clement, Prado, Owen, Elrod, Southwick, Haynes], and in *Asgeirsson* before the federal district court [Junell]. I also served as amicus counsel in *Asgeirsson* before the Fifth Circuit [Smith, Garza, and Southwick].

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9. *Barr v. City of Sinton*, 295 S.W.3d 287 (Tex. 2009).

I served as lead counsel for Pastor Barr before the Texas Supreme Court, arguing that a city zoning ordinance precluding the use of homes for a halfway-house ministry violated the Texas Religious Freedom Restoration Act. The Texas Supreme Court [Jefferson, Hecht, O'Neill, Wainwright, Brister; Medina, Green, Johnson, Willett] unanimously agreed.

Co-Counsel:

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10. *In the Matter of the Marriage of J.B. & H.B.*, 326 S.W.3d 654 (Tex. App.—Dallas 2010).

I served as lead counsel in the trial court and before the Dallas Court of Appeals in defense of the Texas Defense of Marriage Act and constitutional amendment against a

challenge under the Fourteenth Amendment. The district court [Callahan] struck down the law. The Dallas Court of Appeals [Bridges, FitzGerald, Fillmore] reversed and upheld the law.

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

As a litigator, my most significant matters involve litigation in federal and state courts. But I have also on occasion appeared before various governmental bodies—including Congressional and state legislative committees, as well as federal and state regulatory agencies and officials. I have engaged in these activities on behalf of the state of Texas, as well as on behalf of various private clients, including the Altria Group, the Association of Dental Support Organizations, Churchill Downs, DraftKings, Al Hill Jr., McLane Company, Stream Energy, Texas Association of Business, Texas Charter Schools Association, Toyota, Trinity Industries, and Wal-Mart.

To the best of my recollection, I have never registered as a lobbyist.

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

In 2009, I taught a seminar at the University of Texas School of Law entitled "U.S. Supreme Court Litigation." The seminar covered brief writing, oral advocacy, and the judicial decision-making process. Syllabus supplied.

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

None to my knowledge (excluding any compensation that I may receive upon departing from the partnership of Gibson, Dunn & Crutcher LLP).

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

No.

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).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I will recuse in any litigation where I have ever played a role. For a period of time, I anticipate recusing in all cases where my current firm, Gibson, Dunn & Crutcher LLP, represents a party. I will also recuse in any case where Allyson N. Ho, my wife and a practicing attorney, represents any party. I will evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case by case basis and determine appropriate action with the advice of parties and their counsel including recusal where necessary.

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

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

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional 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.

As our Firm's Pro Bono Partner for the Dallas office, I am strongly committed to pro bono work. I routinely spend hundreds of hours per year doing pro bono work in cases—including religious liberties, free speech, separation of powers, and immigration law, as well as amicus representation for Mothers Against Drunk Driving and other crime victim groups, and governmental officials and entities. In 2008, I won our Firm's Frank Wheat Award for Outstanding Achievements in Pro Bono.

My list of pro bono matters in the U.S. Supreme Court includes:

Arizona v. Martinez, No. 16-1489, ___ S. Ct. ___ (2017) (arguing on behalf of crime victims in defense of the anti-child predator provisions of Proposition 103); *Sterling v. United States*, No. 16-814, ___ S. Ct. ___ (2017) (arguing on behalf of the petitioner in *Goldman v. Weinberger*, 475 U.S. 503 (1986), as amicus curiae that the Supreme Court should affirm the proper application of the Religious Freedom Restoration Act to the military); *Ryan v. Washington*, 137 S. Ct. 1581 (2017) (arguing on behalf of amicus curiae Arizona Voice for Crime Victims, Inc. that the Court should reverse Ninth Circuit decision allowing an untimely appeal by a convicted murderer); *Minnesota v. Thompson*, 137 S. Ct. 1338 (2017) (arguing on behalf of amicus curiae Mothers Against Drunk Driving in support of law enforcement efforts to combat drugged driving by conducting a urine test as incident to arrest for impaired driving); *United Student Aid Funds, Inc. v. Bible*, 136 S. Ct. 1607 (2016) (arguing on behalf of amici curiae state and local government associations that the Supreme Court should overrule *Auer v. Robbins*,

519 U.S. 452 (1997), and *Bowles v. Seminole Rock & Sand Co.*, 325 U.S. 410 (1945), to combat excessive delegation of power to administrative agencies); *Horne v. United States Dep't of Agriculture*, 135 S. Ct. 2419 (2015) (arguing on behalf of amici curiae constitutional and property law scholars that the Takings Clause applies to personal as well as real property); *Perez v. Mortgage Bankers Ass'n*, 135 S. Ct. 1199 (2015) (arguing on behalf of amici curiae state and local government associations that the Administrative Procedure Act requires federal administrative agencies to proceed through notice and comment rulemaking to make significant changes to agency interpretations of regulations); *Integrity Staffing Solutions, Inc. v. Busk*, 135 S. Ct. 513 (2014) (arguing on behalf of amici curiae state and local government associations that time spent passing through security screenings is not compensable under the Fair Labor Standards Act); *Missouri v. McNeely*, 133 S. Ct. 1552 (2013) (arguing on behalf of amicus curiae Mothers Against Drunk Driving in defense of police procedures to obtain blood samples without a warrant where there is probable cause to believe that a suspect has been driving under the influence of alcohol); *Utah Highway Patrol Ass'n v. American Atheists, Inc.*, 565 U.S. 994 (2011) (arguing on behalf of amicus curiae Mothers Against Drunk Driving that a Utah state policy that permits roadside memorials displaying a cross did not violate the Establishment Clause); *Gibbs v. Babbitt*, 531 U.S. 1145 (2001) (petitioning for certiorari to challenge a Fish and Wildlife Service regulation as a violation of the Commerce Clause).

My list of pro bono matters in other federal and state courts includes:

Sause v. Bauer, 2017 WL 2641070 (10th Cir. 2017) (defending the right of a woman to pray in her home, against interference by government officials); *Three Expo Events, L.L.C. v. City of Dallas*, 182 F. Supp. 3d 614 (N.D. Tex. 2016) (representing amicus curiae Dallas Citizens Council in support of the right of the City of Dallas to exclude an adult entertainment industry convention from the Dallas Convention Center); *Matthews v. Kountze Ind. Sch. Dist.*, 484 S.W.3d 416 (Tex. 2016) (representing a group of high school cheerleaders in defense of their right to engage in religious expression on the football field); *Morgan v. Plano Indep. Sch. Dist.*, 724 F.3d 579 (5th Cir. 2013) (representing 76 Texas State Representatives and 11 Texas State Senators as amici curiae in support of the Texas Religious Freedom Restoration Act, in a case involving religious discrimination by a school district against a group of elementary school students); *Sifuentes v. Abreo*, 531 Fed. App'x 481 (5th Cir. 2013) (representing two individuals wrongfully convicted of murder in their civil suit, arguing that the district court erred by allowing defense counsel to characterize the plaintiffs as "illegal aliens" before the jury, even though they both had lawful permanent resident cards during all times relevant to their damages claim); *Free Market Foundation v. Reisman*, 540 F. Supp. 2d 751 (W.D. Tex. 2008) (successfully challenging a 35-year old Texas law regulating contributions and expenditures in the election of the Texas Speaker as unconstitutional under the First Amendment); *Razaq v. Gonzales*, 242 Fed. App'x 181 (5th Cir. 2007) (seeking withholding of removal on behalf of a native and citizen of Afghanistan under both the

Immigration and Nationality Act and the Convention Against Torture).

I have also provided confidential pro bono legal advice to various elected federal and state officials and candidates for office on numerous occasions.

26. Selection Process:

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

On February 3, 2017, a member of the staff of Senator Cornyn called me to ask if I would be willing to be considered for appointment to the U.S. Court of Appeals for the Fifth Circuit. On February 17, 2017, I appeared before the Federal Judicial Evaluation Committee, established by Senators Cornyn and Cruz to review potential nominations to the federal bench. On February 28, 2017, I interviewed with Senator Cruz. On March 2, 2017, I interviewed with Senator Cornyn.

Since March 10, 2017, I have been in contact with officials from the White House Counsel's Office. On March 16, 2017, I interviewed with attorneys from the White House Counsel's office and the Office of Legal Policy at the Department of Justice in Washington, District of Columbia. On October 16, 2017, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.