

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

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

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

Office: Minnesota Supreme Court
 25 Rev. Dr. Martin Luther King Jr. Boulevard
 Saint Paul, Minnesota 55155

Residence: Wayzata, Minnesota
4. **Birthplace:** State year and place of birth.

1974; Wichita, Kansas
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.

1995–1999, University of Kansas School of Law; J.D., 1999

1995–1999, University of Kansas School of Business; MBA (Finance Concentration), 1999

1991–1995, University of Kansas; B.A. (with highest distinction), 1995

1993, Johnson County Community College (no degree received)

1989, 1992, Wichita State University (no degree received)
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
Minnesota Supreme Court
25 Rev. Dr. Martin Luther King Jr. Boulevard
Saint Paul, Minnesota 55155
Associate Justice

2014–present
University of Iowa College of Law
280 Boyd Law Building
Melrose Avenue & Byington Road
Iowa City, Iowa 52242
Adjunct Faculty Member

2013
Indiana University-Maurer School of Law
Baier Hall
211 South Indiana Avenue
Bloomington, Indiana 47405
Adjunct Professor

2012
Vanderbilt University Law School
131 21st Avenue South
Nashville, Tennessee 37203
Visiting Professor

2004–2011
University of Minnesota Law School
Walter F. Mondale Hall
229 19th Avenue South
Minneapolis, Minnesota 55455
Vance K. Opperman Research Scholar (2009–2010)
Associate Professor of Law (2004–2010)
Co-Director, Institute for Law and Politics (2007–2010)
Associate Professor of Political Science (through affiliation) (2008–2010)
Adjunct Professor (2011)

2009–2010
Faegre Baker Daniels LLP (formerly Faegre & Benson LLP)
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, Minnesota 55402

Of Counsel

Fall 2008

Washington University School of Law
One Brookings Drive
St. Louis, Missouri 63130
Visiting Professor of Law

2003–2004

University of Alabama School of Law
101 Paul W. Bryant Drive
Tuscaloosa, Alabama 35401
Hugo Black Faculty Fellow

2002–2003

Supreme Court of the United States
One First Street NE
Washington, D.C. 20543
Law Clerk to the Hon. Clarence Thomas

2001–2002

Sidley Austin LLP (formerly Sidley Austin Brown & Wood LLP)
1501 K Street NW
Washington, D.C. 20005
Associate

2000–2001

United States Court of Appeals for the Fourth Circuit
Lewis F. Powell Jr. Courthouse & Annex
1100 East Main Street, Suite 501
Richmond, Virginia 23219
Law Clerk to the Hon. J. Michael Luttig

1999–2000

United States Court of Appeals for the Ninth Circuit
Bruce R. Thompson United States Courthouse and Federal Building
400 South Virginia Street, Room 301
Reno, Nevada 89501
Law Clerk to the Hon. Melvin Brunetti

1997–1999

University of Kansas School of Business
206 Summerfield Hall
Lawrence, Kansas 66045
Graduate Teaching Assistant

Summer 1999
Kirkland & Ellis LLP
655 Fifteenth Street NW
Washington, D.C. 20005
Summer Associate

Summer 1998
Davis Polk & Wardwell LLP
450 Lexington Avenue
New York, New York 10017
Summer Associate

Summer 1997; Summer 1998
Stinson Leonard Street LLP (formerly Stinson, Mag & Fizzell)
1201 Walnut Street, Suite 2500
Kansas City, Missouri 64106
Summer Associate

Summer 1997
Foulston & Siefkin LLP
1551 North Waterfront Parkway, #100
Wichita, Kansas 67206
Law Clerk

Summer 1996
Spencer Fane LLP (formerly Spencer Fane Britt & Browne LLP)
1000 Walnut Street, Suite 1400
Kansas City, Missouri 64106
Summer Associate

1993–1996
University of Kansas Department of Economics
Summerfield Hall
Lawrence, Kansas 66045
Teaching Assistant

All of the above positions were paid.

Other Affiliations (uncompensated):

2012–present
Minnesota Supreme Court Historical Society
Post Office Box 25
Chisago City, Minnesota 55013
Member, Board of Directors

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

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

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

To the best of my recollection:

Stanley V. Kinyon Teacher of the Year, University of Minnesota Law School (2006–2007)

Faculty Advisor, Minnesota Law Review (2007–2010)

Order of the Coif, University of Kansas School of Law (1999)

Oliver Hughes Scholarship (1995–1999)

Editor in Chief, Criminal Procedure Edition of the *Kansas Law Review* (1998–1999)

Payless ShoeSource MBA Award, University of Kansas School of Business (1999)

H.E. Crawford Scholarship (1995–1999)

Charles E. Strickland Scholarship (1995–1999)

Chancellor's Award, University of Kansas (1995)

Kansas State Scholarship (1993–1995)

Summerfield Honor Scholarship (1992–1995)

College of Liberal Arts and Sciences Honor Scholarship, University of Kansas (1994–1995)

Phi Beta Kappa (1995)

Mortar Board (1994–1995)

Pi Sigma Alpha Political Science Honor Society (1994–1995)

Golden Key (1994–1995)

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.

To the best of my recollection:

American Bar Association (approximately 2004–present)

American Bar Foundation (2011–present)

American Law Institute (2009–present)

Young Scholars Medal Committee (2014–2015)

Restatement (Third) of Torts – Economic Torts and Related Wrongs Consultative Group (2012–present)

Principles of the Law and Government Ethics Consultative Group (2012–present)

Federal Bar Association (2008–2011)

Kansas State Bar Association (2000–2001)

Minnesota State Bar Association (approximately 2008–present)

Minnesota Supreme Court Committees (2010–present)

Liaison to the Office of Lawyers Professional Responsibility, Client Security Board and Lawyers Professional Responsibility Board (2015–present)

Liaison to Advisory Committee on the Rules of Civil Appellate Procedure (2015–present)

Law Clerk Recruiting Coordinator (2013–2017)

Liaison to Advisory Committees on the Rules of Juvenile Protection Procedure and Adoption Procedure (2012–2015)

Liaison to the Guardian Ad Litem Board (2012–2015)

Liaison to the State Law Library (2010–present)

Liaison to Advisory Committee on the Rules of General Practice for the District Courts (2010–2012)

Liaison to the Alternative Dispute Resolution Ethics Board (2010–2012)

Association of American Law Schools (2004–2010)

Executive Committee, Section on Federal Courts (2009–2010)

Minnesota Supreme Court Historical Society, Director (2012–present)

New York State Bar Association (2000–2001)

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.

New York, 2000
Kansas, 2000 (inactive)
District of Columbia, 2002 (judicial membership since 2010)
Minnesota, 2009

There have been no lapses in membership. I changed my bar membership in Kansas to inactive status because I was not practicing law in Kansas. I changed my bar membership to judicial status in the District of Columbia when I became a judge in 2010.

- 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, 2003
United States Court of Appeals for the Fourth Circuit, 2001
United States Court of Appeals for the Ninth Circuit, 2000
United States District Court for the District of Minnesota, 2009

There have been no lapses in membership.

11. **Memberships:**

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

Cardozo Society, Minneapolis Jewish Federation (2010–present)
Steering Committee Member (2017)

Crohn's and Colitis Foundation of America (approximately 2006–present)

FBI Citizen's Academy (2008–2012)

The Federalist Society for Law and Public Policy Studies (2003–present)
Executive Committee, Litigation Practice Group (2009–2015)
Committee, Federalism and Separation of Powers Practice Group (2009–present)
Executive Committee, Criminal Law and Procedure Practice Group (2015–

present)

Minneapolis Club

Honorary Member (2010–present)

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

I am aware that, several decades before I became an honorary member, the Minneapolis Club may have excluded individuals from membership based on their race, sex, or religion. The Minneapolis Club now strictly prohibits all forms of discrimination in its bylaws and in practice. To the best of my knowledge, none of the organizations listed above currently discriminates or, apart from what I have indicated, formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

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

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

To my recollection and through searches of publically available databases, I and persons acting on my behalf have found the following works that I authored or co-authored:

With Arthur D. Hellman, Ryan W. Scott, and F. Andrew Hessick, *Federal Courts: Cases and Materials on Judicial Federalism and the Lawyering Process* (Carolina Academic Press, Fourth Edition, August 2017). Copy not supplied but forthcoming late summer.

With Arthur D. Hellman, Lauren K. Robel, Ryan W. Scott, and F. Andrew Hessick, *Federal Courts: Cases and Materials on Judicial Federalism and the Lawyering Process* (LexisNexis, Third Edition, 2016 Supplement). Copy supplied.

With Arthur D. Hellman, Ryan W. Scott and F. Andrew Hessick, *Judicial Code Supplement: Title 28 and Related Statutes* (LexisNexis 2016). Copy supplied.

With Aaron H. Caplan, Erik S. Jaffe, Robert A. Destro, Todd P. Graves, Alan B. Morrison, and Eugene Volokh, *How the First Amendment Procedures Protect First Amendment Substance*, 65 CATH. U. L. REV. 185 (2015). Copy supplied.

With Arthur D. Hellman, Lauren K. Robel, Ryan W. Scott, and F. Andrew Hessick, *Federal Courts: Cases and Materials on Judicial Federalism and the Lawyering Process* (LexisNexis, Third Edition, 2015 Supplement). Copy supplied.

With Arthur D. Hellman, Ryan W. Scott and F. Andrew Hessick, *Judicial Code Supplement: Title 28 and Related Statutes* (LexisNexis 2015). Copy supplied.

With Arthur D. Hellman, Lauren K. Robel and Ryan W. Scott, *Federal Courts: Cases and Materials on Judicial Federalism and the Lawyering Process* (LexisNexis, Third Edition, 2014 Supplement). Copy supplied.

With Timothy R. Johnson and Ryan C. Black, *Advice from the Bench (Memo): Clerk Influence on Supreme Court Oral Arguments*, 98 MARQ. L. REV. 21 (2014). Copy supplied.

Keynote Address: Secret Agents: Using Law Clerks Effectively, 98 MARQ. L. REV. 151 (2014). Copy supplied.

With Diane S. Sykes and James A. Wynn, Jr., *Panel Discussion: Judges' Perspectives on Law Clerk Hiring, Utilization, and Influence*, 98 MARQ. L. REV. 441 (2014). Copy supplied.

With Arthur D. Hellman and Lauren K. Robel, *Federal Courts: Cases and Materials on Judicial Federalism and the Lawyering Process* (LexisNexis, Third Edition 2013). Copy supplied.

With Arthur D. Hellman and Lauren K. Robel, *Judicial Code Supplement: Title 28 and Related Statutes* (2013). Copy supplied.

Ryan J. Owens and David A. Simon, *Explaining the Supreme Court's Shrinking Docket*, 53 WILLIAM AND MARY L.R. 1219 (2012). I was an early collaborator on this project. Copy supplied.

With Arthur D. Hellman and Lauren K. Robel, *Federal Courts: Cases and Materials on Judicial Federalism and the Lawyering Process* (LexisNexis, 2012 Supplement). Copy supplied.

With *James F. Spriggs, II*, *Explaining Plurality Opinions*, 99 GEORGETOWN L.J. 515 (2011). Copy supplied.

Contributor, *SCOTUSblog* (www.scotusblog.com) (February 2007 to May 2010) Copies supplied.

Contributor, *Empirical Legal Studies Blog* (www.elsblog.org) (February 2007 to May 2010). Copies supplied.

The Supreme Court's Declining Plenary Docket: A Membership-Based Explanation, 27 CONST. COMM. 151 (2010). Copy supplied.

With Shaun M. Pettigrew, *The Rising Caseload in the Fourth Circuit: A Statistical and Institutional Analysis*, 61 S.C. L. REV. 421 (2010). Copy supplied.

With Lauren K. Robel, *Judicial Code Supplement: Title 28 and Related Statutes* (LexisNexis 2010). I was unable to locate a copy.

With Arthur D. Hellman and Lauren K. Robel, *Federal Courts: Cases and Materials on Judicial Federalism and the Lawyering Process* (LexisNexis, Second Edition 2009). Copy supplied.

With Arthur D. Hellman and Lauren K. Robel, *Federal Courts: Cases and Materials on Judicial Federalism and the Lawyering Process* (LexisNexis, 2009 Supplement). Copy supplied.

Contributor, *Balkanization* (www.balkin.blogspot.com/) (December 2008 to July 2009). Copies supplied.

With Stephen B. Burbank, Charles J. Cooper and James Lindgren, *Showcase Panel II: Judicial Tenure: Life Tenure or Fixed Non-renewable Terms?*, 12 BARRY L. REV. 173 (Spring 2009). Copy supplied.

Pierce Butler: A Supreme Technician, 62 VAND. L. REV. 695 (2009). Copy supplied.

With Jim Chen, *Justice Clarence Thomas*, in YALE BIOGRAPHICAL DICTIONARY OF AM. LAW (Roger K. Newman ed., 2009).

With Ryan W. Scott, *Navigating the New Politics of Judicial Appointments*, 101 NW. L. REV. 1869 (2008). Copy supplied.

Understanding the New Politics of Judicial Appointments, 86 TEX. L. REV. 1033 (2008). Copy supplied.

Why Supreme Court Justices Should Ride Circuit Again, 91 MINN. L. REV. 1710 (2007). Copy supplied.

With Ryan W. Scott, *An Empirical Analysis of Life Tenure: A Response to Professors Calabresi & Lindgren*, 30 HARV. J. L. & PUB. POL. 791 (2007). Copy supplied.

The Supreme Court's Gatekeepers: The Role of Law Clerks in the Certiorari Process, 85 TEX. L. REV. 947 (2007) (reprinted in part in SUSAN LOW BLOCH ET

AL., SUPREME COURT POLITICS: THE INSTITUTION AND ITS PROCEDURES (2d ed. 2007)). Copy supplied.

With Ryan W. Scott, *Are Senior Judges Unconstitutional?*, 92 CORNELL L. REV. 453 (2007). Copy supplied.

The Incentives Approach to Judicial Retirement, 90 MINN. L. REV. 1417 (June 30, 2006). Copy supplied.

With Karla Vehrs, *Foreword, The Future of the Supreme Court: Institutional Reform and Beyond*, 90 MINN. L. REV. 1147 (2006). Copy supplied.

With Ryan W. Scott, *Retaining Life Tenure: The Case for a "Golden Parachute,"* 83 WASH. U.L.Q. 1397 (2006). Copy supplied.

No Nukes: Enough with the "f" word, NAT'L REV. ONLINE (Nov. 7, 2005). Copy supplied.

Don't Trade Independence for High Court Term Limits, ST. PAUL PIONEER PRESS (Oct. 13, 2005). Copy supplied.

Hail to the Chief, ST. PAUL PIONEER PRESS (Sept. 8, 2005). Copy supplied.

Justice O'Connor Retires With Dignity, SALT LAKE TRIBUNE (July 17, 2005) (also printed in ST. PAUL PIONEER PRESS, July 12, 2005). Copy supplied.

Give Court Doors a Nudge, STAR TRIBUNE, July 14, 2005, at A19. I was unable to locate a copy of this article.

Elections not a 'greek conspiracy', UNIVERSITY DAILY KANSAN (1998). Copy supplied. I also wrote for the University Daily Kansan, a college newspaper, on occasion between 1994 and 1999. I was able to locate a copy of a 1998 article, which is supplied. I have no additional notes or articles.

In 2012, I was a candidate for election to the Minnesota Supreme Court. Along with the volunteers in my campaign, I maintained a website at justicestras.org. Much of the content on that website was created by volunteers, but I personally edited some of the written content to the website. Copy supplied. I also had a Twitter feed in association with the election, though campaign volunteers drafted and edited these posts. 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 my recollection, there are no policy statements or memoranda in which I participated or contributed from any of the committees, conferences, or organizations listed in question 9. The following reports were prepared with my contribution, either as a member or a participant:

Minnesota State Law Library, 2016 Annual Report. Copy supplied.

Annual Report of the Minnesota Client Security Board, Office of the Appellate Courts (July 2016). Copy supplied.

Principles of the Law, Government Ethics, Tentative Draft No. 1 (Am. Law Inst. 2015). Copy supplied.

Minnesota State Law Library, 2015 Annual Report. Copy supplied.

In re: Supreme Court Advisory Committee on the Rules of Appellate Procedure, *Recommendations of the Minnesota Supreme Court Advisory Committee on the Rules of Civil Appellate Procedure*, No. ADM09-8009 (2015). Copy supplied.

Advisory Committee on the Rules of Juvenile Protection, Adoption, and Guardian Ad Litem Procedure, *Final Report Recommending Proposed Amendment Regarding Transition to eCourtMN*, ADM10-8041 (2014). Copy supplied.

Minnesota State Law Library, 2014 Annual Report. Copy supplied.

Advisory Committee on the Rules of Juvenile Protection Procedure, *Final Report Recommending Amendments to Rules of Juvenile Protection Procedure and Rules of Adoption Procedure*, ADM10-8041 (2014). Copy supplied.

Restatement (Third) of Torts: Liability for Economic Harm, Tentative Draft No. 2 (Am. Law Inst. 2014). Copy supplied.

Minnesota State Law Library, 2013 Annual Report. Copy supplied.

Restatement (Third) of Torts: Liability for Economic Harm, Tentative Draft No. 1 (Am. Law Inst. 2012). Copy supplied.

Minnesota State Law Library, 2012 Annual Report. Copy supplied.

In re: Supreme Court Advisory Committee on General Rules of Practice, *Recommendations of Minnesota Supreme Court Advisory Committee on General Rules of Practice*, CX-89-1863 (2011). Copy supplied.

Minnesota State Law Library, 2011 Annual Report. Copy supplied.

- 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.

October 26, 2012: *Mille Lacs Messenger Judicial Questionnaire*. Copy supplied.

October 18, 2012: *Chaska Herald Candidate Questionnaire*. Copy supplied.

October 5, 2012: *Minnesota Lawyer Judicial Questionnaire*. Copy supplied.

September 22, 2012: *International Falls Candidate Questionnaire*. Copy supplied.

In addition to the above-referenced questionnaires, I submitted questionnaires to groups including OutFront Minnesota, the Academy of Certified Trial Lawyers of Minnesota, the Minnesota League of Women Voters, and the Minnesota Bar Association. I was unable to locate published copies of these questionnaires.

February 2009: *Letter to Vice President Joe Biden, Attorney General Eric Holder, and Members of the House and Senate Judiciary Committee*. Copy supplied.

February 24, 2008: *Letter to The Honorable Tim Jones, Chairman, Missouri House General Laws Committee, Regarding Missouri Plan for Judicial Selection*, 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, the following list encompasses the speeches and talks I have delivered since law school. For those speeches where I relied on the same notes, outline, or other materials for multiple occasions, I have supplied one copy in Appendix 12(d).

May 21, 2017: Speaker, Lubavitch Cheder Day School, Annual Gala Dinner, St. Paul, Minnesota. I introduced Senator Rudy and Ellen Boschwitz. I have no notes, transcript, or recording. The address of the Lubavitch Cheder Day School is 1758 Ford Parkway, St. Paul, MN 55116.

May 9, 2017: Minnesota Supreme Court Post Oral Argument Panel Discussion,

Wayzata High School, Plymouth, Minnesota. I and other members of the court answered students' questions concerning the court and serving as judges. I have no notes, transcript, or recording. I have included readily available press reports. The address of the Minnesota Supreme Court is 135 Minnesota Judicial Center, 25 Dr. Rev. Martin Luther King Jr. Blvd., St. Paul, MN 55155.

May 5, 2017: Speaker, "View from the Court, Trends," 2017 District Ethics Committee Chairs Symposium, Brooklyn Center, Minnesota. I spoke regarding the attorney-ethics system in Minnesota. I have no notes, transcript, or recording. The address of the Lawyers Professional Responsibility Board is 345 Saint Peter Street, Saint Paul, MN 55102.

April 19, 2017: Speaker, "Gauging Gorsuch: What His Confirmation Could Mean for the Court," The Federalist Society, University of Chicago Law School, Chicago, Illinois. PowerPoint slides are supplied.

March 30, 2017: Speaker, "Supreme Court Nominations," The Federalist Society, Albany Law School, Albany, New York. I spoke regarding the nomination of Justice Gorsuch to the Supreme Court. I have no notes, transcript, or recording. The address of Albany Law School is 80 New Scotland Avenue, Albany, NY 12208.

March 25, 2017: Panelist, 88th William Minor Lile Moot Court Competition Finals, University of Virginia School of Law, Charlottesville, VA. A recording is available at www.youtube.com/watch?v=vvHN8umB6X0.

March 24, 2017: Speaker, "Gauging Gorsuch: What His Confirmation Could Mean for the Court," Federalist Society, University of Virginia School of Law, Charlottesville, VA. PowerPoint slides previously supplied for April 19, 2017 event.

March 20, 2017: Moderator, "A Debate: The Merits of Supreme Court Term Limits," American Constitution Society, University of Minnesota Law School, Minneapolis, Minnesota. I have no notes, transcript, or recording. The address of the University of Minnesota Law School is 229 19th Avenue South, Minneapolis, MN 55455.

March 15, 2017: Speaker, "The U.S. Supreme Court after the Confirmation of Judge Gorsuch," The Federalist Society, San Francisco Lawyers Chapter, San Francisco, California. I have no notes, transcript, or recording. The address of the San Francisco Lawyers Chapter is c/o Mr. Joseph Rose, Gibson Dunn & Crutcher, 555 Mission Street, 30th Floor, San Francisco, CA 94105.

March 15, 2017: Speaker, "How Neil Gorsuch Could Impact the Supreme Court," The Federalist Society, University of California-Hastings, San Francisco, California. PowerPoint slides previously supplied for April 19, 2017 event.

February 10, 2017: Moderator, "Justice Thomas, Liberty & Equality" part of a

conference, "Celebrating Justice Thomas: 25 Years on the Supreme Court," The Federalist Society, Yale Law School, New Haven, Connecticut. I have no notes, transcript, or recording. The address of Yale Law School is 127 Wall Street, New Haven, CT 06520.

January 28, 2017: Speaker, Theta Chi Fraternity, University of Minnesota, Minneapolis, Minnesota. Copy of notes supplied.

January 13, 2016: Panelist, "Appellate Advocacy – Best Practices From the Bench and Bar," American Bar Association, 43rd Annual TIPS Midwinter Symposium, Coral Gables, Florida. I have no notes, transcript, or recording. The address for ABA Tort Trial & Insurance Practice Section is 321 North Clark Street, Floor 18, Chicago, IL 60654

December 14, 2016: Speaker, Menorah Lighting, Minnesota Capitol, St. Paul, Minnesota. I spoke extemporaneously concerning the ceremony, my grandfather, and the importance of Hanukkah to him and to my family. I have included a readily available press report. The address of the Minnesota Capitol is 75 Rev. Dr. Martin Luther King Jr Blvd., St Paul, MN 55155.

November 21, 2016: Speaker, "The (Recent) Supreme Court Cases Every Law Student Should Know," The Federalist Society, Northwestern Student Chapter, Northwestern University Pritzker School of Law, Chicago, Illinois. PowerPoint slides are supplied.

November 19, 2016: Panelist, "Areas of Constitutional Doctrine Transformed," The Federalist Society 2016 National Lawyers Convention, Washington, DC. Copy of audio supplied.

November 17, 2016: Moderator, "Justice Scalia and the Criminal Law," The Federalist Society 2016 National Lawyers Convention, Washington, DC. Copy of audio supplied.

November 2, 2016: Keynote Speaker, "A Conversation With My Grandfather," The Seventeenth Annual Cardozo Society Dinner, Minneapolis, Minnesota. Copy supplied. I have included readily available press reports.

October 20, 2016: Speaker, "The (Recent) Supreme Court Cases Every Law Student Should Know," The Federalist Society, Kansas Student Chapter, University of Kansas, Lawrence, Kansas. PowerPoint slides previously supplied for November 21, 2016 event.

October 6, 2016: Minnesota Supreme Court Post Oral Argument Panel Discussion, Albert Lea High School, Albert Lea, Minnesota. I and other members of the court answered students' questions concerning the court and serving as judges. I have no notes, transcript, or recording. The address of the Minnesota Supreme Court is 135 Minnesota Judicial Center, 25 Dr. Rev. Martin Luther King Jr. Blvd., St. Paul, MN 55155.

October 5, 2016: Speaker, Community Dinner, Wedgewood Cove Golf Club, Albert Lea, Minnesota. As part of a community engagement event for the Minnesota Supreme Court, I and other members of the court spoke extemporaneously about the role of the court and our experiences as judges. I have no notes, transcript, or recording. I have included a readily available press report. The address of the Minnesota Supreme Court is 135 Minnesota Judicial Center, 25 Dr. Rev. Martin Luther King Jr. Blvd., St. Paul, MN 55155.

September 30, 2016: Speaker, "Minnesota Supreme Court, Ethics Decisions," Office of Lawyers' Professional Responsibility, Minneapolis, Minnesota. PowerPoint slides are supplied.

September 16, 2016: Speaker, "U.S. Supreme Court Term in Review," Federalist Society, University of St. Thomas School of Law, Minneapolis, Minnesota. I have no notes, transcript, or recording. The address of the University of St. Thomas School of Law is 1101 Harmon Place, Minneapolis, MN 55403.

September 14, 2016: Speaker, "U.S. Supreme Court Term in Review," Federalist Society, Mitchell Hamline School of Law. I have no notes, transcript, or recording. The address of Mitchell Hamline School of Law is 875 Summit Avenue, St. Paul, MN 55105.

August 23, 2016: Speaker, "Supreme Court Round Up: 2015-2016 Term," The Federalist Society, Minnesota Chapter, Minneapolis, Minnesota. PowerPoint slides are supplied.

August 22, 2016: Speaker, "Supreme Court Criminal Law Cases," The 2016 Criminal Justice Institute, Minnesota Continuing Legal Education, St. Paul, Minnesota. PowerPoint slides are supplied.

June 20, 2016: Speaker, "Minnesota Supreme Court Ethics Decisions," Lockridge Grindal Nauen P.L.L.P., Minneapolis, Minnesota. PowerPoint slides are supplied.

June 8, 2016: Speaker, Judges Conference, Minnesota State Bar Association, Tax Law Section of the Minnesota State Bar Association, St. Paul, Minnesota. PowerPoint slides are supplied.

April 26, 2016: Speaker, "Supreme Court Roundup," The Federalist Society University of Chicago Student Chapter, Chicago, Illinois. PowerPoint slides are supplied.

April 7, 2016: Minnesota Supreme Court Post Oral Argument Panel Discussion, Lakeville North High School, Lakeville, Minnesota. I and other members of the court answered students' questions concerning the court and serving as judges. I have no notes, transcript, or recording. I have included readily available press reports. The address of the Minnesota Supreme Court is 135 Minnesota Judicial Center, 25 Dr. Rev. Martin Luther King Jr. Blvd., St. Paul, MN 55155.

March 17, 2016: Judge, Roscoe Pound Moot Court Competition, UCLA School of Law, Los Angeles, California. I have no notes, transcript, or recording. The address of UCLA Law School is 385 Charles E Young Drive East, Los Angeles, CA 90095.

March 16, 2016: Speaker, "Recent Supreme Court Cases Every Law Student Should Know," The Federalist Society, UCLA Law School, Los Angeles, California. Copy supplied.

February 17, 2016: Panelist, Berkeley Federalist Society Symposium, California-Berkeley Student Chapter, The Federalist Society. I served on a panel of state Supreme Court justices addressing a variety of topics. I have no notes, transcript, or recording. The address of California-Berkeley Law School is Boalt Hall, 215 Bancroft Way, Berkeley, CA 94720.

February 16, 2016: Speaker, "Everything You Wanted to Know About Appellate Law, But Were Afraid to Ask," The Federalist Society, San Francisco Lawyers Chapter, San Francisco, California. I have no notes, transcript, or recording. The address of the San Francisco Lawyers Chapter is c/o Mr. Joseph Rose, Gibson Dunn & Crutcher, 555 Mission Street, 30th Floor, San Francisco, CA 94105.

November 14, 2015: Panelist, "Life on the Bench," The Federalist Society 2015 National Lawyers Convention, Washington, DC. Copy of the audio supplied.

November 13, 2015: Moderator, "Ferguson, Baltimore, and Criminal Justice Reform," The Federalist Society 2015 National Lawyers Convention, Washington, DC. Copy of audio supplied.

October 30, 2015: Speaker, New Lawyers Swearing-In Ceremony, St. Paul, Minnesota. Copy supplied.

October 26, 2015: Speaker, "Supreme Court Term Preview: October Term 2015," Minnesota State Bar Association Appellate Practice Section, St. Paul, Minnesota. PowerPoint slides are supplied.

October 6, 2015: Minnesota Supreme Court Post Oral Argument Panel Discussion, Denfeld High School, Duluth, Minnesota. I and other members of the court answered students' questions concerning the court and serving as judges. I have no notes, transcript, or recording. The address of the Minnesota Supreme Court is 135 Minnesota Judicial Center, 25 Dr. Rev. Martin Luther King Jr. Blvd., St. Paul, MN 55155.

October 5, 2015: Speaker, Community Dinner, University of Minnesota Duluth, Duluth, Minnesota. I have no notes, transcript, or recording. As part of a community engagement event for the Minnesota Supreme Court, I and other members of the court spoke extemporaneously about the role of the court and our experiences as judges. The address of the Minnesota Supreme Court is 135 Minnesota Judicial Center, 25 Dr. Rev. Martin Luther King Jr. Blvd., St. Paul,

MN 55155.

September 24, 2015: Speaker, "U.S. Supreme Court Term in Review," The Federalist Society, University of Minnesota Law School, Minneapolis, Minnesota. Two sets of PowerPoint slides are provided. My records do not indicate which set was used for this event.

September 17, 2015: Speaker, "U.S. Supreme Court Term in Review," The Federalist Society, University of St. Thomas School of Law, Minneapolis, Minnesota. PowerPoint slides for September 24, 2015 event previously supplied.

September 16, 2015: Speaker, "U.S. Supreme Court Term in Review," The Federalist Society, William Mitchell College of Law, St. Paul, Minnesota. I have no notes, transcript, or recording. PowerPoint slides for September 24, 2015 event previously supplied.

August 23, 2015: Speaker, "2015 SCOTUS Round-Up," The Federalist Society Minnesota Lawyers Chapter, Minneapolis, Minnesota. I have no notes, transcript, or recording. The main address for the Federalist Society is 1776 I Street, NW Suite 300, Washington, DC 20006.

July 16, 2015: Speaker, "U.S. Supreme Court Term in Review," The Federalist Society, Iowa Lawyers Chapter, Des Moines, Iowa. I have no notes, transcript, or recording. I have included readily available press reports. The main address for the Federalist Society is 1776 I Street, NW Suite 300, Washington, DC 20006.

July 10, 2015: Speaker, "Interpretation of State Constitutions," a CLE course during a clerk reunion honoring Justice Thomas's 25 years on the Supreme Court, Park City, Utah. Copy of PowerPoint slides provided.

May 11, 2015: Minnesota Supreme Court Post Oral Argument Panel Discussion, Edison High School, Minneapolis, Minnesota. I and other members of the court answered students' questions concerning the court and serving as judges. I have no notes, transcript, or recording. The address of the Minnesota Supreme Court is 135 Minnesota Judicial Center, 25 Dr. Rev. Martin Luther King Jr. Blvd., St. Paul, MN 55155.

April 21, 2015: Speaker, "Recent Cases Every Law Student Should Know," The Federalist Society, University of Chicago Law School, Chicago, Illinois. PowerPoint slides are supplied.

April 20, 2015: Speaker, "Recent Cases Every Law Student Should Know," The Federalist Society, Northwestern University Pritzker School of Law, Chicago, Illinois. PowerPoint slides for April 21, 2015 event previously supplied.

February 23, 2015: Speaker, "A Dozen Supreme Court Cases that Every Law Student Should Know," The Federalist Society, University of California, Davis School of Law, Davis, California. PowerPoint slides are supplied.

February 23, 2015: Speaker, "A Dozen Supreme Court Cases that Every Law Student Should Know," Federalist Society, McGeorge School of Law, Sacramento, California. PowerPoint slides previously supplied for UC-Davis event listed immediately above.

November 14, 2014: Moderator, "How First Amendment Procedures Protect First Amendment Substance," The Federalist Society 2014 National Lawyers Convention. Copy of audio supplied.

October 31, 2014: Moderator, "The Future of Economic Sanctions," part of a symposium, "Offenders in the Community: Reshaping Sentencing and Supervision," University of Minnesota Law Review, Minneapolis, Minnesota. A video recording of this event is available as "Clip 4" at <http://media2.law.umn.edu/law/archive/2014/LawReview-04-2014.mp4>.

October 16, 2014: Speaker, "U.S. Supreme Court Term in Review," The Federalist Society, University of Wisconsin Law School. I have no notes, transcript, or recording. The address of the University of Wisconsin Law School is 975 Bascom Mall, Madison, WI 53706.

October 7, 2014: Speaker, "The United States Supreme Court Preview: 2014-15," Minnesota State Bar Association, Appellate Practice Section, St. Paul, Minnesota. Powerpoint slides are supplied.

October 1, 2014: Minnesota Supreme Court Post Oral Argument Panel Discussion, Worthington High School, Worthington, Minnesota. I and other members of the court answered students' questions concerning the court and serving as judges. I have no notes, transcript, or recording. The address of the Minnesota Supreme Court is 135 Minnesota Judicial Center, 25 Dr. Rev. Martin Luther King Jr. Blvd., St. Paul, MN 55155.

September 30, 2014: Speaker, Community Dinner, Worthington Event Center, Worthington, Minnesota. As part of a community engagement event for the Minnesota Supreme Court, I and other members of the court spoke extemporaneously about the role of the court and our experiences as judges. I have no notes, transcript, or recording. The address of the Minnesota Supreme Court is 135 Minnesota Judicial Center, 25 Dr. Rev. Martin Luther King Jr. Blvd., St. Paul, MN 55155.

September 18, 2014: Speaker, "U.S. Supreme Court Term in Review," The Federalist Society, University of Minnesota Law School. I have no notes, transcript, or recording. The address of the University of Minnesota Law School is 229 19th Avenue South, Minneapolis, MN 55455.

September 17, 2014: Speaker, "U.S. Supreme Court Term in Review," The Federalist Society, University of St. Thomas School of Law, Minneapolis, Minnesota. I have no notes, transcript, or recording. The address of the University of St. Thomas School of Law is 1101 Harmon Place, Minneapolis, MN

55403.

September 16, 2014: Speaker, "U.S. Supreme Court Term in Review," The Federalist Society, William Mitchell College of Law, St. Paul, Minnesota. I have no notes, transcript, or recording. The address of William Mitchell College of Law (now Mitchell Hamline School of Law) is 875 Summit Avenue, St. Paul, MN 55105.

July 21, 2014: Panelist, "Importance of Access to Justice to the Judiciary," Legal Services Corporation, Drake Law School, Des Moines, Iowa. A video recording is available at: <http://www.lsc.gov/media-center/blog/2014/10/01/lsc-board-directors-meeting-des-moines-iowa-july-2014>.

July 19, 2014: Speaker, Theta Chi Fraternity, University of Minnesota, Minneapolis, Minnesota. I have no notes, transcript, or recording. The address of Theta Chi Fraternity is 315 19th Avenue SE, Minneapolis, MN 55414.

June 24, 2014: Speaker, "Recent Appellate Cases," Minnesota State Bar Association, Willmar, Minnesota. Copy of PowerPoint slides provided.

May 28, 2014: Podcast Moderator, "Drunk Driving and the Fourth Amendment: The Implications of *Missouri v. McNeely*," The Federalist Society, Criminal Law & Procedure Practice Group Podcast. Copy of audio supplied.

May 12, 2014: Minnesota Supreme Court Post Oral Argument Panel Discussion. I and other members of the court answered students' questions concerning the court and serving as judges. I have no notes, transcript, or recording. I have included a readily available press report. The address of the Minnesota Supreme Court is 135 Minnesota Judicial Center, 25 Dr. Rev. Martin Luther King Jr. Blvd., St. Paul, MN 55155.

April 22, 2014: Speaker, "U.S. Supreme Court Term in Review," The Federalist Society, Chicago-Kent College of Law, Chicago, Illinois. PowerPoint slides supplied.

April 21, 2014: Speaker, "U.S. Supreme Court Term in Review," The Federalist Society, University of Chicago Law School, Chicago, Illinois. PowerPoint slides previously supplied for April 22, 2014 event.

April 12, 2014: Panelist, "The Hiring, Utilization and Influence of Law Clerks," part of a Marquette University Law School Symposium "Judicial Assistants or Junior Judges," Marquette University Law School, Milwaukee, Wisconsin. A video recording is available at <https://law.marquette.edu/current-students/judicial-assistants-or-junior-judges>. A transcript is provided in response to Question 12.a.

April 11, 2014: Speaker, "Secret Agents: Effectively Using Law Clerks," part of a Marquette University Law School Symposium "Judicial Assistants or Junior Judges," Marquette University Law School, Milwaukee, Wisconsin. PowerPoint

slides supplied.

March 20, 2014: Speaker, "Recent Supreme Court Cases that Every Law Student Should Know," The Federalist Society, Missouri-Kansas City Student Chapter, Kansas City, Missouri. PowerPoint slides supplied.

March 19, 2014: Speaker, "Recent Supreme Court Cases that Every Law Student Should Know," The Federalist Society, Creighton University School of Law, Omaha, Nebraska. PowerPoint slides previously supplied for March, 2014 event.

March 14, 2014: Speaker, "Recent Supreme Court Cases that Every Law Student Should Know," The Federalist Society, University of North Dakota School of Law. PowerPoint slides previously supplied for March, 2014 event.

March 13, 2014: Speaker, "Judicial Clerkship Advice Panel," The Federalist Society, University of St. Thomas School of Law, Minneapolis, Minnesota. I have no notes, transcript, or recording. The address of the University of St. Thomas School of Law is 1101 Harmon Place, Minneapolis, MN 55403.

December 13, 2013: Speaker, "U.S. Supreme Court Term in Review," Iowa Federal Practice Seminar, Iowa State Bar Association. I have no notes, transcript, or recording. The address of the Iowa State Bar Association is 625 East Court Avenue, Des Moines, IA 50309.

November 19, 2013: Speaker, "Supreme Court Review/Preview," Minnesota State Bar Association Appellate Advocacy Practice Group, St. Paul, Minnesota. Copy of PowerPoint slides provided.

November 16, 2013: Moderator, "Regulation of the Legal Profession in the 21st Century: Should Professional Regulation Favor Social Policy over Client Protection," The Federalist Society 2013 National Lawyers Convention, Washington, DC. Copy of audio supplied.

November 15, 2013: Speaker, "Lawyers Without Rights: Jewish Lawyers in Germany Under the Third Reich," Kristallnacht 75th Anniversary, St. Paul, Minnesota. Copy supplied.

November 5, 2013: Moderator, "A Minnesota Judge at Nuremberg," Minnesota State Bar Association, Minneapolis, Minnesota. Copy supplied.

October 14, 2013: Speaker, "Supreme Court Roundup," The Federalist Society, Hawaii Federalist Society, Honolulu, Hawaii. I have no notes, transcript, or recording. The address of the University of Hawaii Law School is 2515 Dole Street, Honolulu, Hawaii 96822.

October 9, 2013: Minnesota Supreme Court Post Oral Argument Panel Discussion, Wadena-Deer Creek High School. I and other members of the court answered students' questions concerning the court and serving as judges. I have

no notes, transcript, or recording. The address of the Minnesota Supreme Court is 135 Minnesota Judicial Center, 25 Dr. Rev. Martin Luther King Jr. Blvd., St. Paul, MN 55155.

October 8, 2013: Speaker, Community Dinner, St. Ann's Catholic Church Parish Center, Wadena, Minnesota. As part of a community engagement event for the Minnesota Supreme Court, I and other members of the court spoke extemporaneously about the role of the court and our experiences as judges. I have no notes, transcript, or recording. The address of the Minnesota Supreme Court is 135 Minnesota Judicial Center, 25 Dr. Rev. Martin Luther King Jr. Blvd., St. Paul, MN 55155.

September 26, 2013: Speaker, "The Top 10 Cases A Law Student Should Know," The Federalist Society, University of St. Thomas Law School, Minneapolis, Minnesota. I have no notes, transcript, or recording. The address of the University of St. Thomas Law School is 1101 Harmon Place, Minneapolis, MN 55403.

September 18, 2013: Speaker, "U.S. Supreme Court Term in Review," The Federalist Society, University of Minnesota Law School. I have no notes, transcript, or recording. The address of the University of Minnesota Law School is 229 19th Avenue South, Minneapolis, MN 55455.

September 17, 2013: Speaker, "U.S. Supreme Court Term in Review," The Federalist Society, Hamline Law School, St. Paul, Minnesota. I have no notes, transcript, or recording. The address of Hamline Law School (now Mitchell Hamline Law School) is 875 Summit Avenue, St Paul, MN 55105.

September 17, 2013: Speaker, "U.S. Supreme Court Term in Review," The Federalist Society, William Mitchell Law School, St. Paul, Minnesota. I have no notes, transcript, or recording. The address of William Mitchell Law School (now Mitchell Hamline Law School) is 875 Summit Avenue, St Paul, MN 55105.

August 8, 2013: Speaker, "The Roberts Court: Term in Review," Eighth Circuit Judicial Conference, Estes Park, Colorado. PowerPoint slides supplied.

May 6, 2013: Minnesota Supreme Court Post Oral Argument Panel Discussion, Roseville Area High School. I and other members of the court answered students' questions concerning the court and serving as judges. I have no notes, transcript, or recording. I have included readily available press reports. The address of the Minnesota Supreme Court is 135 Minnesota Judicial Center, 25 Dr. Rev. Martin Luther King Jr. Blvd., St. Paul, MN 55155.

April 22, 2013: Guest Lecturer for the course "American Constitutional Law," taught by former Minnesota Court of Appeals judge David Minge, St. Olaf College. I spoke extemporaneously regarding the Minnesota Supreme Court and the U.S. Supreme Court. I have included a readily available press report. The address of St. Olaf College is 1520 St Olaf Ave, Northfield, MN 55057

April 19, 2013: Speaker, "U.S. Supreme Court Term in Review," The Federalist Society, University of Chicago Law School, Chicago, Illinois. I have no notes, transcript, or recording. The address of the University of Chicago Law School is 1111 E. 60th Street, Chicago, IL 60637.

April 18, 2013: Speaker, "Recent Supreme Court Cases that Every Law Student Should Know," The Federalist Society, John Marshall Law School, Chicago, Illinois. I have no notes, transcript, or recording. The address of John Marshall Law School is 315 South Plymouth Court, Chicago, IL 60604.

March 14, 2013: Speaker, "Recent Supreme Court Cases that Every Law Student Should Know," The Federalist Society, University of Wisconsin Law School, Madison, Wisconsin. I have no notes, transcript, or recording. The address of the University of Wisconsin Law School is 974 Bascom Mall, Madison, WI 53706.

March 1, 2013: Judge, Indiana University Maurer School of Law Moot Court Competition, Bloomington, Indiana. A video recording is available here: https://www.youtube.com/watch?v=cV_HPHRZkds.

February 25, 2013: Speaker, "Recent Supreme Court Cases that Every Law Student Should Know," The Federalist Society, Indiana University-Maurer School of Law, Bloomington, Indiana. PowerPoint slides supplied.

November 16, 2012: Moderator, "The Electoral College vs. The National Popular Vote Plan," The Federalist Society 2012 National Lawyers Convention, Washington, DC. Copy of audio supplied.

November 15, 2012: Speaker, "SCOTUS Term Limits?" The Federalist Society, Duke University School of Law. I have no notes, transcript, or recording. The address of Duke University School of Law is 210 Science Drive, Durham, NC 27705.

November 12, 2012: Panelist, "Dual Sovereignty and State Constitutions," part of a symposium, "State Constitutional Law Steps Out of the Shadows," Kansas Law Review, University of Kansas School of Law, Lawrence, Kansas. A transcript is supplied.

October 26, 2012: Speaker, New Lawyers Swearing-In Ceremony, St. Paul, Minnesota. Copy of notes provided.

October 10, 2012: Minnesota Supreme Court Post Oral Argument Panel Discussion, Willmar Senior High School. I and other members of the court answered students' questions concerning the court and serving as judges. I have no notes, transcript, or recording. The address of the Minnesota Supreme Court is 135 Minnesota Judicial Center, 25 Dr. Rev. Martin Luther King Jr. Blvd., St. Paul, MN 55155.

October 9, 2012: Speaker, Community Dinner, Willmar, Minnesota. As part of a

community engagement event for the Minnesota Supreme Court, I and other members of the court spoke extemporaneously about the role of the court and our experiences as judges. I have no notes, transcript, or recording. The address of the Minnesota Supreme Court is 135 Minnesota Judicial Center, 25 Dr. Rev. Martin Luther King Jr. Blvd., St. Paul, MN 55155.

September 20, 2012: Speaker, Speech on the United States Supreme Court, The Federalist Society, Hamline Law School. I have no notes, transcript, or recording. The address of Hamline Law School (now Mitchell Hamline Law School) is 875 Summit Avenue, St Paul, MN 55105.

September 19, 2012: Speaker, Speech on the United States Supreme Court, The Federalist Society, William Mitchell College of Law. I have no notes, transcript, or recording. The address of William Mitchell Law School (now Mitchell Hamline Law School) is 875 Summit Avenue, St Paul, MN 55105.

September 18, 2012: Speaker, Speech on the United States Supreme Court, The Federalist Society, University of Minnesota Law School, Minneapolis, Minnesota. I have no notes, transcript, or recording. The address of the University of Minnesota Law School is 229 19th Avenue South, Minneapolis, MN 55455.

August 27, 2012: Speaker, "The Roberts Court: Term in Review," The 2012 Criminal Justice Institute, Minnesota Continuing Legal Education, St. Paul Minnesota. PowerPoint slides supplied.

June 18, 2012: Speaker, "*R.A.V. v. City of Saint Paul*, Its History and the Legacy on Its 20th Anniversary," Minnesota Continuing Legal Education, Minneapolis, Minnesota. PowerPoint slides supplied.

April 14, 2012: Speaker, Speech on Justice Pierce Butler, The Landmark Center, St. Paul, Minnesota. PowerPoint slides supplied.

April 11, 2012: Minnesota Supreme Court Post Oral Argument Panel Discussion, Eastview High School. I and other members of the court answered students' questions concerning the court and serving as judges. I have no notes, transcript, or recording. The address of the Minnesota Supreme Court is 135 Minnesota Judicial Center, 25 Dr. Rev. Martin Luther King Jr. Blvd., St. Paul, MN 55155.

April 5, 2012: Speaker, "The Roberts' Court: A Review and Preview," Federal Chief District Judges Presentation. PowerPoint slides supplied.

December 9, 2011: Speaker, "Examining the U.S. Supreme Court," Annual Conference of Judges, Minnesota State Courts, Bloomington, Minnesota. PowerPoint slides supplied.

November 17, 2011: Speaker, "The Roberts Court," The Federalist Society, Hamline Law School, St. Paul, Minnesota. I have no notes, transcript, or recording. The address of Hamline Law School (now Mitchell Hamline Law

School) is 875 Summit Avenue, St Paul, MN 55105.

November 16, 2011: Speaker, "The Roberts Court," The Federalist Society, William Mitchell College of Law, St. Paul, Minnesota. I have no notes, transcript, or recording. The address of William Mitchell Law School (now Mitchell Hamline Law School) is 875 Summit Avenue, St Paul, MN 55105.

November 14, 2011: Speaker, "The Roberts Court: A Review and Preview," The Federalist Society, University of St. Thomas School of Law. I have no notes, transcript, or recording. The address of the University of St. Thomas School of Law is 1101 Harmon Place, Minneapolis, MN 55403.

November 10, 2011: Moderator, "Law School Accreditation," The Federalist Society 2011 National Lawyers Convention, Washington, DC. Copy of audio supplied. I have included readily available press reports.

October 26, 2011: Speaker, "The Roberts Court: A Review and Preview," The Federalist Society, University of Minnesota Law School. I have no notes, transcript, or recording. The address of the University of Minnesota Law School is 229 19th Avenue South, Minneapolis, MN 55455.

October 24, 2011: Speaker, "U.S. Supreme Court Preview: 2011-2012 Term," Minnesota State Bar Association Appellate Practice CLE, St. Paul, Minnesota. Copy of PowerPoint slides provided.

October 12, 2011: Minnesota Supreme Court Post Oral Argument Panel Discussion, Brainerd High School. I and other members of the court answered students' questions concerning the court and serving as judges. I have no notes, transcript, or recording. I have included readily available press reports. The address of the Minnesota Supreme Court is 135 Minnesota Judicial Center, 25 Dr. Rev. Martin Luther King Jr. Blvd., St. Paul, MN 55155.

October 11, 2011: Speaker, Community Dinner, Central Lakes College, Brainerd, Minnesota. As part of a community engagement event for the Minnesota Supreme Court, I and other members of the court spoke extemporaneously about the role of the court and our experiences as judges. I have no notes, transcript, or recording. The address of the Minnesota Supreme Court is 135 Minnesota Judicial Center, 25 Dr. Rev. Martin Luther King Jr. Blvd., St. Paul, MN 55155.

June 15, 2011: Speaker, "Minnesota's Judicial History: Cases that Shaped the State," Nine Days in June, Minnesota State Bar Association, Bemidji, Minnesota. PowerPoint slides supplied.

June 8, 2011: Speaker, "Minnesota's Judicial History: Cases that Shaped the State," Nine Days in June, Minnesota State Bar Association, Willmar, Minnesota. PowerPoint slides supplied.

May 5, 2011: Minnesota Supreme Court Post Oral Argument Panel Discussion,

Eden Prairie High School. I and other members of the court answered students' questions concerning the court and serving as judges. I have no notes, transcript, or recording. The address of the Minnesota Supreme Court is 135 Minnesota Judicial Center, 25 Dr. Rev. Martin Luther King Jr. Blvd., St. Paul, MN 55155.

May 5, 2011: Speaker, "Minnesota Judicial Branch," Oak Point Intermediate School, Eden Prairie, Minnesota. PowerPoint slides supplied.

April 19, 2011: Speaker, "The New Politics of Judicial Appointments," The Federalist Society, University of Minnesota Law School. I have no notes, transcript, or recording. The address of the University of Minnesota Law School is 229 19th Avenue South, Minneapolis, MN 55455.

February 11, 2011: Speaker, Commentary on the Republic of Statutes Book by William Eskridge and John Ferejohn, Conference, The Federalist Society, Villanova Law School. I have no notes, transcript, or recording. The address of Villanova Law School is 299 N. Spring Mill Road, Villanova, PA 19085.

February 9, 2011: Speaker, Speech on the United States Supreme Court, The Federalist Society, Hamline Law School, St. Paul, Minnesota. I have no notes, transcript, or recording. I have included a readily available press report. The address of Hamline Law School (now Mitchell Hamline Law School) is 875 Summit Avenue, St Paul, MN 55105.

January 28, 2011: Speaker, "The Roberts Court," The Federalist Society, University of Missouri, Kansas City, School of Law. I have no notes, transcript, or recording. The address of the University of Missouri, Kansas City, School of Law is 500 East 52nd Street, Kansas City, MO 64110.

January 27, 2011: Speaker, "The Roberts Court," The Federalist Society, University of Kansas School of Law. I have no notes, transcript, or recording. The address of the University of Kansas School of Law is 1535 W. 15th Street, Lawrence, KS 66045.

January 24, 2011: Speaker, Speech on the United States Supreme Court, The Federalist Society, William Mitchell College of Law, St. Paul, Minnesota. I have no notes, transcript, or recording. The address of William Mitchell Law School (now Mitchell Hamline Law School) is 875 Summit Avenue, St Paul, MN 55105.

December 10, 2010: Speaker, "Examining the U.S. Supreme Court," Annual Conference of Judges, Minnesota State Courts, Bloomington, Minnesota. I have no notes, transcript, or recording. The address for the Minnesota State Courts is 135 Minnesota Judicial Center, 25 Dr. Rev. Martin Luther King Jr. Blvd., St. Paul, MN 55155.

November 18, 2010: Moderator, "Debating the Constitutionality of the Federal Health Care Legislation," The Federalist Society 2010 National Lawyers Convention, Washington, DC. Copy of audio supplied.

October 7, 2010: Speaker, Century High School, Rochester, Minnesota. As part of a community engagement event for the Minnesota Supreme Court, I spoke to students regarding the court and serving as a judge. I have no notes, transcript, or recording. The address of the Minnesota Supreme Court is 135 Minnesota Judicial Center, 25 Dr. Rev. Martin Luther King Jr. Blvd., St. Paul, MN 55155.

October 7, 2010: Minnesota Supreme Court Post Oral Argument Panel Discussion, Mayo High School, Rochester, Minnesota. I and other members of the court answered students' questions concerning the court and serving as judges. I have no notes, transcript, or recording. The address of the Minnesota Supreme Court is 135 Minnesota Judicial Center, 25 Dr. Rev. Martin Luther King Jr. Blvd., St. Paul, MN 55155.

October 6, 2010: Speaker, Community Dinner, Rochester, Minnesota. As part of a community engagement event for the Minnesota Supreme Court, I and other members of the court spoke extemporaneously about the role of the court and our experiences as judges. I have no notes, transcript, or recording. The address of the Minnesota Supreme Court is 135 Minnesota Judicial Center, 25 Dr. Rev. Martin Luther King Jr. Blvd., St. Paul, MN 55155.

July 12, 2010: Swearing-In Ceremony, Minnesota Supreme Court, St. Paul, Minnesota. I made remarks after my swearing-in. Audio supplied. I have attached readily available press reports.

June 22, 2010: Speaker, "Supreme Court Roundup," Federal Bar Association Annual Seminar, Minneapolis, Minnesota. PowerPoint slides supplied.

May 13, 2010: Minnesota Supreme Court Appointment Announcement, St. Paul, Minnesota. After Governor Tim Pawlenty announced my appointment to the Minnesota Supreme Court, I made a few remarks. Copy of audio supplied.

May 7, 2010: Podcast Panelist, "United States Supreme Court: Nomination and Confirmation Process," The Federalist Society, Federalism & Separation of Powers Practice Group. Copy of audio supplied.

April 28, 2010: Panelist, "Justice Stevens' Retirement & Filling the Vacancy: An Online Debate," The Federalist Society. Copy of transcript supplied.

March 26, 2010: Speaker, "Skip the Boring Stuff: Which Supreme Court Cases Should We Really Pay Attention to?" Appellate Practice Institute, Minnesota Continuing Legal Education, Minneapolis, Minnesota. PowerPoint slides supplied.

November 21, 2009: Speaker, "Why the Supreme Court Issues Plurality Opinions," Conference on Empirical Legal Studies, University of Southern California Law School. PowerPoint slides supplied.

October 26, 2009: Speaker, "A Preview of the October 2009 Term of the Supreme

Court,” Minnesota State Bar Association Quarterly Luncheon, St. Paul, Minnesota. I have no notes, transcript, or recording. The address of the Minnesota State Bar Association is 600 Nicollet Mall, Suite 380, Minneapolis, MN 55402.

October 16, 2009: Speaker, “An Examination of the Fourth Circuit’s Docket,” South Carolina Law Review, University of South Carolina Law School, Columbia, South Carolina. I have no notes, transcript, or recording. The address of the University of South Carolina Law School is 701 Main Street, Columbia, SC 29208.

October 6, 2009: Speaker, “A Preview of the October 2009 Term of the Supreme Court,” The Federalist Society, Vanderbilt Law School, Nashville, Tennessee. I have no notes, transcript, or recording. The address of Vanderbilt Law School is 131 21st Avenue South, Nashville, TN 37203.

October 5, 2009: Speaker, “A Preview of the October 2009 Term of the Supreme Court,” The Federalist Society, Nashville Lawyers’ Chapter, Nashville, Tennessee. I have no notes, transcript, or recording. The main address of the Federalist Society is 1776 I Street, NW, Suite 300, Washington, DC 20006.

September 18, 2009: Panelist, “Important Questions of Federal Law: Assessing the Supreme Court’s Case Selection Process,” Yale Law Journal & Yale Supreme Court Clinic, Conference, Washington, DC. An audio recording is available at <https://law.yale.edu/studying-law-yale/clinical-and-experiential-learning/our-clinics/supreme-court-advocacy-clinic/conferences>.

September 14, 2009: Panelist, “The Appointment of Sonia Sotomayor,” The Federalist Society, Chicago-Kent Student Chapter. I have no notes, transcript, or recording. The address of Chicago-Kent College of Law is 565 West Adams Street, Chicago, IL 60661.

September 14, 2009: Speaker, “A Preview of the October 2009 Term of the Supreme Court,” The Federalist Society Northwestern University Student Chapter, Northwestern University Pritzker College of Law, Chicago, Illinois. I have no notes, transcript, or recording. The address of Northwestern University Pritzker School of Law is 375 East Chicago Avenue, Chicago, IL 60611.

July 17, 2009: Panelist, “The Sotomayor Nomination, Part III: An Online Debate,” The Federalist Society. Copy of transcript supplied.

July 13, 2009: Panelist, “The Sotomayor Nomination, Part II: An Online Debate,” The Federalist Society. Copy of transcript supplied.

July 9, 2009: Panelist, “The Sotomayor Nomination, Part I: An Online Debate,” The Federalist Society. Copy of transcript supplied.

June 23, 2009: Speaker, “SCOTUScast 6-23-09 featuring David Stras: *Iraq v.*

Beatty,” The Federalist Society. Copy of audio supplied.

May 12, 2009: Speaker, “The Politics of Judicial Appointments,” The Federalist Society, University of Chicago. I have no notes, transcript, or recording. The address of the University of Chicago Law School is 1111 E. 60th Street, Chicago, IL 60637.

May 6, 2009: Moderator, “The Future of Appellate Litigation,” Wisconsin Bar Association Annual Convention, Madison, Wisconsin. I have no notes, transcript, or recording. The address of the State Bar of Wisconsin is 5302 Eastpark Boulevard, Madison, WI 53718.

April 30, 2009: Speaker, “Why the Supreme Court Issues Plurality Opinions,” University of Minnesota American Politics Proseminar, University of Minnesota Political Science Department, Minneapolis, Minnesota. I have no notes, transcript, or recording.

April 22, 2009: Speaker, “President Obama and Judicial Appointments,” The Federalist Society, DePaul University Student Chapter, Chicago, Illinois. I have no notes, transcript, or recording. The address of DePaul University is 25 W. Jackson Boulevard, Chicago, IL 60604.

February 17, 2009: Speaker, “President Obama and Judicial Appointments,” The Federalist Society, Washington University School of Law. I have no notes, transcript, or recording. The address of the Washington University School of Law is 1 Brookings Drive, St. Louis, MO 63112.

February 16, 2009: Speaker, “President Obama and Judicial Appointments,” The Federalist Society, St. Louis Lawyers Chapter. I have no notes, transcript, or recording. The main address of the Federalist Society is 1776 I Street, NW, Suite 300, Washington, DC 20006.

February 10, 2009: Speaker, “President Obama and Judicial Appointments,” The Federalist Society, Kansas City Lawyers Chapter. I have no notes, transcript, or recording. The main address of the Federalist Society is 1776 I Street, NW, Suite 300, Washington, DC 20006.

February 9, 2009: Speaker, “President Obama and Judicial Appointments,” The Federalist Society, University of Kansas School of Law. I have no notes, transcript, or recording. The address of the University of Kansas School of Law is Green Hall, 1535 West 15th Street, Lawrence, KS 66045.

November 21, 2008: Panelist, “Judicial Tenure: Life Tenure or Fixed Nonrenewable Terms?” The Federalist Society 2008 National Lawyers Convention, Washington, DC. Copy of audio supplied.

November 10, 2008: Speaker, “Judicial Appointments and the Presidential Election,” The Federalist Society, St. Louis University Law School. I have no

notes, transcript, or recording. The address of the St. Louis University Law School is 100 N. Tucker Boulevard, St. Louis, MO 63101.

October 22, 2008: Speaker, "Judicial Appointments and the Presidential Election," The Federalist Society, University of Illinois College of Law. I have no notes, transcript, or recording. The address of the University of Illinois College of Law is 504 East Pennsylvania Avenue, Champaign, IL 61820.

October 17-18, 2008: Co-Organizer and Moderator, "Law and Politics," Minnesota Law Review Symposium, University of Minnesota Law School. I have no notes, transcript, or recording. The address of the University of Minnesota Law School is 229 19th Avenue South, Minneapolis, MN 55455.

October 8, 2008: Speaker, "A Preview of the October 2008 Term of the Supreme Court," The Federalist Society, University of Missouri (Columbia) Law School. I have no notes, transcript, or recording. The address of the University of Missouri (Columbia) Law School is 203 Hulston Hall, Columbia, MO 65211.

October 3, 2008: Co-Organizer, The University of Minnesota Conservative and Libertarian Legal Colloquium, University of Minnesota Law School. I have no notes, transcript, or recording. The address of the University of Minnesota Law School is 229 19th Avenue South, Minneapolis, MN 55455.

September 29, 2008: Speaker, "A Preview of the October 2008 Term of the Supreme Court," Minnesota State Bar Association, Minneapolis, Minnesota. I have no notes, transcript, or recording. The address of the Minnesota State Bar Association is 600 Nicollet Mall, Suite 380, Minneapolis, MN 55402.

September 26, 2008: Presenter, "Navigating the New Politics of Judicial Appointments," Friday Faculty Colloquium, University of Texas School of Law. This presentation is based on the article *Understanding the New Politics of Judicial Appointments*, 86 Tex. L. Rev. 1033 (2008), and the article with Ryan W. Scott, *Navigating the New Politics of Judicial Appointments*, 102 Nw. U. L. Rev. 1869 (2008). Both articles are supplied in response to Question 12.a.

September 26, 2008: Speaker, "A Preview of the October 2008 Term of the Supreme Court," The Federalist Society, University of Texas School of Law. I have no notes, transcript, or recording. The address of the University of Texas School of Law is 727 E. Dean Keeton Street, Austin, TX 78705.

September 19, 2008: Speaker, "A Preview of the October 2008 Term of the Supreme Court," The Federalist Society, Las Vegas Lawyers Chapter, Las Vegas, Nevada. I have no notes, transcript, or recording. The address of the Las Vegas Lawyers Chapter is c/o Matthew D. Saltzman, Kolesar & Leatham, Chtd., 3320 West Sahara Ave., Suite 380, Las Vegas, NV 89102.

September 12, 2008: Presenter, "Pierce Butler: A Supreme Technician," American University Workshop on Judges and Judging, American University

Washington College of Law. This presentation is based on the article *Pierce Butler: A Supreme Technician*, 62 Vand. L. Rev. 695 (2009). A copy of that article is supplied in response to Question 12.a.

September 10, 2008: Presenter, "Navigating the New Politics of Judicial Appointments," Faculty Colloquium, Washington University School of Law, St. Louis, Missouri. This presentation is based on the article *Understanding the New Politics of Judicial Appointments*, 86 Tex. L. Rev. 1033 (2008), and the article with Ryan W. Scott, *Navigating the New Politics of Judicial Appointments*, 102 Nw. U. L. Rev. 1869 (2008). Both articles are supplied in response to Question 12.a.

June 26, 2008: Speaker, "The Presidency and the New Politics of Judicial Appointments," The Federalist Society, San Francisco, Sacramento Lawyers Chapter. This presentation is based on the article *Understanding the New Politics of Judicial Appointments*, 86 Tex. L. Rev. 1033 (2008), and the article with Ryan W. Scott, *Navigating the New Politics of Judicial Appointments*, 102 Nw. U. L. Rev. 1869 (2008). Both articles are supplied in response to Question 12.a. The date for this event is to the best of my recollection after a review of my schedule.

June 25, 2008: Speaker, "The Presidency and the New Politics of Judicial Appointments," The Federalist Society, San Francisco and North Coast Lawyers Chapters. This presentation is based on the article *Understanding the New Politics of Judicial Appointments*, 86 Tex. L. Rev. 1033 (2008), and the article with Ryan W. Scott, *Navigating the New Politics of Judicial Appointments*, 102 Nw. U. L. Rev. 1869 (2008). Both articles are supplied in response to Question 12.a. The date for this event is to the best of my recollection after a review of my schedule.

April 30, 2008: Presenter, "Pierce Butler: A Supreme Technician," University of Minnesota Legal History Workshop, University of Minnesota Law School. This presentation is based on the article *Pierce Butler: A Supreme Technician*, 62 Vand. L. Rev. 695 (2009). A copy of that article is supplied in response to Question 12.a.

April 11, 2008: Presenter, "The Presidency and the New Politics of Judicial Appointments," The Federalist Society, Inland Empire Lawyers Chapter. This presentation is based on the article *Understanding the New Politics of Judicial Appointments*, 86 Tex. L. Rev. 1033 (2008), and the article with Ryan W. Scott, *Navigating the New Politics of Judicial Appointments*, 102 Nw. U. L. Rev. 1869 (2008). Both articles are supplied in response to Question 12.a.

April 10, 2008: Presenter, "The New Politics of Judicial Appointments," FIRST Lecture Series, Chapman University Fowler School of Law. This presentation is based on the article *Understanding the New Politics of Judicial Appointments*, 86 Tex. L. Rev. 1033 (2008), and the article with Ryan W. Scott, *Navigating the New Politics of Judicial Appointments*, 102 Nw. U. L. Rev. 1869 (2008). Both articles

are supplied in response to Question 12.a.

April 8, 2008: Presenter, "The Presidency and the New Politics of Judicial Appointments," The Federalist Society, Orange County Lawyers Chapter. This presentation is based on the article *Understanding the New Politics of Judicial Appointments*, 86 Tex. L. Rev. 1033 (2008), and the article with Ryan W. Scott, *Navigating the New Politics of Judicial Appointments*, 102 Nw. U. L. Rev. 1869 (2008). Both articles are supplied in response to Question 12.a. The date for this event is to the best of my recollection after a review of my schedule.

April 5, 2008: Presenter, "Pierce Butler: A Supreme Technician," Vanderbilt Law Review Symposium, Vanderbilt Law School. This presentation is based on the article *Pierce Butler: A Supreme Technician*, 62 Vand. L. Rev. 695 (2009). A copy of that article is supplied in response to Question 12.a.

February 29, 2008: Speaker, "The Roberts Court," Defense Research Institute, Chicago, Illinois. I have no notes, transcript, or recording. The address of the Defense Research Institute is 55 W. Monroe Street, Chicago, IL 60603.

February 7, 2008: Presenter, "The New Politics of Judicial Appointments," UC-Davis Legal Theory Workshop, University of California, Davis School of Law. This presentation is based on the article *Understanding the New Politics of Judicial Appointments*, 86 Tex. L. Rev. 1033 (2008), and the article with Ryan W. Scott, *Navigating the New Politics of Judicial Appointments*, 102 Nw. U. L. Rev. 1869 (2008). Both articles are supplied in response to Question 12.a.

January 24, 2008: Presenter, "The New Politics of Judicial Appointments," University of Minnesota Law School Faculty Works in Progress, University of Minnesota Law School. This presentation is based on the article *Understanding the New Politics of Judicial Appointments*, 86 Tex. L. Rev. 1033 (2008), and the article with Ryan W. Scott, *Navigating the New Politics of Judicial Appointments*, 102 Nw. U. L. Rev. 1869 (2008). Both articles are supplied in response to Question 12.a.

November 9, 2007: Presenter, "The New Politics of Judicial Appointments," University of Cincinnati College of Law. This presentation is based on the article *Understanding the New Politics of Judicial Appointments*, 86 Tex. L. Rev. 1033 (2008), and the article with Ryan W. Scott, *Navigating the New Politics of Judicial Appointments*, 102 Nw. U. L. Rev. 1869 (2008). Both articles are supplied in response to Question 12.a.

January 31, 2007: Presenter, "Conscience of a Judge," The Federalist Society, Minneapolis Lawyers Chapter. I have no notes, transcript, or recording. The main address of the Federalist Society is 1776 I Street, NW, Suite 300, Washington, DC 20006.

January 9, 2007: Speaker, "Ideology in Judicial Appointments," Federal Bar Association, Minnesota Chapter, Minneapolis, Minnesota. I have no notes,

transcript, or recording. The main address for the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, VA 22201.

January 5, 2007: Presenter, "Opening the Doors to the Supreme Court: A Solution to the Declining Merits Docket," The Federalist Society 2007 Annual Faculty Conference, Washington, DC. I have no notes, transcript, or recording. The main address of the Federalist Society is 1776 I Street, NW, Suite 300, Washington, DC 20006.

October 18, 2006: Presenter, "Politics in Judicial Races," Annual Conference on Policy Analysis, University of Minnesota Law School, Minneapolis, Minnesota. I have no notes, transcript, or recording. The address of the University of Minnesota Law School is 229 19th Avenue South, Minneapolis, MN 55455.

March 30, 2006: Presenter, "Are Senior Judges Unconstitutional?" University of Minnesota Law School Faculty Works in Progress, University of Minnesota Law School, Minneapolis, Minnesota. This presentation is based on the article written with Ryan W. Scott, *Are Senior Judges Unconstitutional?*, 92 Cornell L. Rev. 453 (2007). This article is supplied in response to Question 12.a.

December 13, 2005: Participant, "Debate on the Nomination of Samuel Alito to the Supreme Court," American Constitution Society, Minneapolis, Minnesota. I have no notes, transcript, or recording. The main address of the American Constitution Society is 1333 H St, NW, 11th Floor, Washington, DC 20005.

October 21, 2005: Presenter, "The Incentives Approach to Judicial Retirement," Minnesota Law Review Symposium, University of Minnesota Law School, Minneapolis, Minnesota. This presentation is based on the article *The Incentives Approach to Judicial Retirement*, 90 MINN. L. REV. 1417 (June 30, 2006). This article is supplied in response to Question 12.a.

September 11, 2005: Presenter, "Preemption and the Courts," North American Securities Administrators Association National Conference, Minneapolis, Minnesota. I have no notes, transcript, or recording. The address of the North American Securities Administrators Association is North American Securities Administrators Association, Inc., 750 First Street, N.E., Suite 1140, Washington, D.C. 20002.

Clerkship Workshops

As part of my role as a justice, I have regularly conducted informational sessions at law schools in which I explain to students the process for applying to serve as a law clerk to the Minnesota Supreme Court and the Minnesota Court of Appeals and answer students' questions about clerking. I have no notes, transcripts, or recordings for these events. I have conducted a review of my schedule and I have listed below the workshops for which I have records.

February 21, 2017: University of St. Thomas School of Law, 1101 Harmon Place,

Minneapolis, MN 55403.

February 8, 2017: University of Minnesota Law School, 229 19th Avenue South, Minneapolis, MN 55455.

March 2, 2016: William Mitchell Law School (now Mitchell Hamline Law School), 875 Summit Avenue, St Paul, MN 55105.

February 24, 2016: Loyola University Chicago School of Law, 25 E Pearson St, Chicago, IL 60611.

February 23, 2016: Northwestern University Pritzker School of Law, 375 East Chicago Ave., Chicago, IL 60611.

February 23, 2016: DePaul University College of Law, 25 E. Jackson Blvd, Chicago, IL 60604

February 22, 2016, University of Chicago Law School, 1111 E. 60th Street, Chicago, IL 60637.

February 8, 2016: University of St. Thomas School of Law, 1101 Harmon Place, Minneapolis, MN 55403.

February 1, 2016: University of Minnesota Law School, 229 19th Avenue South, Minneapolis, MN 55455.

February 26, 2015: William Mitchell Law School (now Mitchell Hamline Law School), 875 Summit Avenue, St Paul, MN 55105.

February 19, 2015: University of Iowa College of Law, 130 Byington Rd, Iowa City, IA 52242.

February 17, 2015: University of Wisconsin-Madison Law School, 975 Bascom Mall, Madison, WI 53706.

January 28, 2015: University of St. Thomas School of Law, 1101 Harmon Place, Minneapolis, MN 55403.

January 26, 2015: University of Minnesota Law School, 229 19th Avenue South, Minneapolis, MN 55455.

April 14, 2014: University of Minnesota Law School, 229 19th Avenue South, Minneapolis, MN 55455.

March 26, 2013: University of Minnesota Law School, 229 19th Avenue South, Minneapolis, MN 55455.

2012 Judicial Campaign Speeches

In connection with my 2012 campaign for Minnesota Supreme Court, I visited a number of offices and homes throughout Minnesota to discuss the role of the court. I usually spoke extemporaneously during these appearances, although I based my statements off prepared remarks entitled "Keys to Good Appellate Advocacy." Copy supplied.

A list of my campaign appearances in 2012 is listed below.

October 29, 2012: "All Rise: Today's Judicial Process," St. Paul Public Library, Merriam Park Branch, 1831 Marshall Avenue, St. Paul, MN 55104. I have attached a readily available press report.

October 5, 2012: Greene Espel, 222 South Ninth Street, Suite 2200, Minneapolis, MN 55404.

October 4, 2012: Young Lawyers Event, The Local, 931 Nicollet Mall, Minneapolis, MN 55402.

September 27, 2012: Lindquist & Vennum LLP, 2000 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402.

September 26, 2012: Washington County Attorney's Office, 15015 62nd Street N., Stillwater, MN 55082.

September 25, 2012: Schwebel Goetz & Sieben (with Sieben Grose Von Holtum & Carey), 80 South Eighth Street, Suite 5120, Minneapolis, MN 55402.

September 25, 2012: Lommen Abdo, 1000 International Centre, 920 Second Avenue South, Minneapolis, MN 55402.

September 20, 2012: McGrann Shea Carnival Staughn & Lamb, 800 Nicollet Mall, Suite 2600, Minneapolis, MN 55402.

September 19, 2012: Open Event, Minneapolis Club, 729 Second Avenue South, Minneapolis, MN 55402.

September 12, 2012: Law Professors Event, Republic, 221 Cedar Avenue South, Minneapolis, MN 55454.

September 7, 2012: Kennedy & Graven, 470 U.S. Bank Plaza, 200 South Sixth Street, Minneapolis, MN 55402.

August 29, 2012: Larkin Hoffman, 8300 Norman Center Drive, Suite 1000, Minneapolis, MN 55437.

July 30, 2012: Ramsey County Attorney's Office/Prosecutors Event, 15 W. Kellogg Boulevard, St. Paul, MN 55102.

July 30, 2012: Chestnut Cambronne PA, 17 Washington Avenue North, Suite 300, Minneapolis, MN 55401.

July 27, 2012: Bartlit Beck Herman Palenchar & Scott, 54 W. Hubbard Street, #300, Chicago, IL 60654.

July 25, 2012: Stinson Leonard Street LLP, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402.

July 23, 2012: Larson King, LLP, 30 East Seventh Street, Suite 2800, St. Paul, MN 55101.

June 28, 2012: Hellmuth & Johnson PLLC, 8050 West 78th Street, Minneapolis, MN 55439.

June 14, 2012: Fredrikson & Byron, P.A., 200 South Sixth Street, Suite 4000, Minneapolis, MN 55402.

June 13, 2012: Best & Flanagan LLP, 60 South Sixth Street, 27th Floor, Minneapolis, MN 55402.

June 12, 2012: Minnesota Appellate Public Defender Event, State Appellate Public Defender's Office, 540 Fairview Avenue N., St. Paul, MN 55104.

May 31, 2012: Winthrop & Weinstine, Capella Tower, Suite 3500, 225 South Sixth Street, Minneapolis, MN 55402.

May 17, 2012: Dorsey LLP, 50 South Sixth Street, Suite 1500, Minneapolis, MN 55402.

May 16, 2012: Nilan Johnson Lewis, PA, Canadian Pacific Plaza, 120 South Sixth Street, Suite 400, Minneapolis, MN 55402.

May 16, 2012: Barnes & Thornburg LLP, 225 South Sixth Street, Suite 2800, Minneapolis, MN 55402.

May 4, 2012: Fox Rothschild (formerly Oppenheimer Wolff & Donnelly LLP), 222 South Ninth Street, Suite 2000, Minneapolis, MN 55402.

April 27, 2012: Bassford Remele, 100 South Fifth Street, Suite 1500, Minneapolis, MN 55402.

April 26, 2012: Robins Kaplan LLP, 800 LaSalle Avenue, Suite 2800, Minneapolis, MN 55402.

April 20, 2012: Meagher & Geer, PLLP, 33 South Sixth Street, Suite 4400 Minneapolis, MN 55402.

April 18, 2012: Maslon LLP, 3300 Wells Fargo Center, 90 South Seventh Street,

Minneapolis, MN 55402.

April 18, 2012: Faegre Baker Daniels LLP, 90 South Seventh Street, #2200, Minneapolis, MN 55402.

April 17, 2012: Gray Plant Mooty, 80 South Eighth Street, #500, Minneapolis, MN 55402.

March 19, 2012: Briggs and Morgan, P.A., 2200 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402.

February 29, 2012: Lockridge Grindal Nauen P.L.L.P., 100 Washington Avenue, S., Suite 2200 Minneapolis, MN 55401.

- 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.

May 15, 2015: *Access to Democracy*. Recording available at: <https://www.youtube.com/watch?v=S18ZCuyUgD4>.

June 27, 2014: *Access to Democracy*. Recording available at: <https://www.youtube.com/watch?v=I5fKqewrJPc>.

April 27, 2013: *MN Supreme Court Hon. Justices W. Wright, D. Stras, P. Anderson, Access to Democracy*. Recording available at: <https://www.youtube.com/watch?v=FJQm86C-AHA>.

October 14, 2012: Editorial, *Supreme Court Candidates Deserve Voters' Attention*, St. Paul Pioneer Press. Copy supplied.

September 29, 2012: *Late Debate with Jack and Ben*, KTALK 100.3 FM. I discussed my personal background and candidacy for the Minnesota Supreme Court. I have no notes, transcript, or recording.

September 21, 2012: *Access to Democracy*. Recording available at: <https://www.youtube.com/watch?v=-QwKO8XJHdo>.

September 14, 2012: *Interview with Justice David Stras*, CTV Studios, Roseville, MN. Recording available at: <https://www.youtube.com/watch?v=HnMgORIEbVQ>.

September 17, 2010: *Meet Justice David Stras of the Minnesota Supreme Court*, Minnesota Lawyer. Copy supplied.

July 2, 2010: *Minnesota Bar Buzz, Gildea is Optimistic, Stras Humble*,

Minnesota Lawyer. Copy supplied.

July 1, 2010: Supreme Court Report, *The 'Super Median'*, ABA Journal. Copy supplied.

May 13, 2010: *Press Conference Announcing Appointment to the Minnesota Supreme Court*. Recording available at:
<https://www.youtube.com/watch?v=EZr42AUX-to>.

May 12, 2010: *Profnet Expert Alerts: Elena Kagan Supreme Court Nomination*, PR Newswire. Copy supplied.

May 10, 2010: *On Point: Supreme Court Nominee Elena Kagan*, WBUR 90.0 FM. I have no notes, transcript, or recording.

February 28, 2010: *Podcast: Former clerk on Clarence Thomas*, SCOTUSblog. Audio is available at <http://www.scotusblog.com/2010/02/podcast-former-clerk-on-clarence-thomas/>.

October 19, 2009: *Judicial Confirmation Process in Need of Makeover*, Law360. Copy supplied.

October 5, 2009: *The Supreme Court*, The Bill Handel Radio Program. I have no notes, transcript, or recording.

October 5, 2009: *The Supreme Court's Declining Docket*, New Hampshire Public Radio. I have no notes, transcript, or recording.

October 2, 2009: *Shedding Tiers*, ABA Journal. Copy supplied.

October 2009: *No More Kabuki Confirmations: There are Better Ways to Vet a Supreme Court Nominee*, ABA Journal. Copy supplied.

September 28, 2009: *The Case of the Plummeting Supreme Court Docket*, N.Y. TIMES. Copy supplied.

July 19, 2009: *Fox 9 KMSP Weekend*, Global Broadcast Database. Copy supplied.

July 14, 2009: *Analysis of the Sotomayor Hearings*, Minnesota Public Radio's Midday Program. Audio supplied.

July 14, 2009: *Analysis of the Sotomayor Hearings*, Michael Smerconish Morning Program. I have no notes, transcript, or recording.

July 12, 2009: *Both Minnesota Senators Will Share Stage with Sotomayor*,

Newsroom, St. Paul Pioneer Press. Copy supplied.

June 2, 2009: *Sotomayor's Every Word Faces Judgment*, THE NATIONAL. Copy supplied.

May 26, 2009: *Obama Court Choice and International Law*, The World, National Public Radio. Copy supplied.

May 26, 2009. *The Nomination of Sonia Sotomayor*, WCCO Radio. I have no notes, transcript, or recording.

May 22, 2009: *Next Supreme Court's Docket Much Broader than Abortion*, MCCLATCHY NEWSPAPERS. Copy supplied.

October 2008: *Supreme Court 2.0: From Term Limits to Circuit Riding to Cameras in the Courtroom, Rethinking, Reforming and Re-Engineering the Top Bench*, ABA J. Copy supplied.

September 25, 2008: *A Second Justice Opts Out of a Longtime Custom: The 'Cert Pool,'* N.Y. TIMES. Copy supplied.

April 2008: *A Cowgirl Rides the Circuits*, ABA J. Copy supplied.

November 2007: *Friends of the Court Are Friends of Mine*, ABA J. Copy supplied.

October 1, 2007: *Supreme Court Revs Up*, Minnesota Public Radio. I have no notes, transcript, or recording.

September 28, 2007: *The Opening of the Supreme Court's Fall Session*, Minnesota Public Radio's Midmorning Program. I have no notes, transcript, or recording.

September 26, 2007: *Thomas's Impact on Legal Debates Exceeds High-Court Influence*, BLOOMBERG NEWS. Copy supplied.

August 27, 2007: *Twin Cities Law Professors Find Blogs a Handy Venue*, MINNESOTA LAWYER. Copy supplied.

August 27, 2007: *Gonzales Resigns as Attorney General*, Minnesota Public Radio's Midmorning Program. Copy supplied.

July 26, 2007: *Thomas Charts a Jurisprudence All His Own*, S.F. DAILY J. Copy supplied.

July 8, 2007: *The Supreme Court: Open for Business*, BUSINESSWEEK. Copy

supplied.

March 29, 2007: *Discussion of U.S. Senate Judiciary committee investigation of firing of eight U.S. attorneys*, Minnesota Public Radio. I have no notes, transcript, or recording.

March 18, 2007: *Clerks Avoid Getting Their Digs In: They Just Say No to Cert Petitions, as the Docket Shrinks*, ABA J. Copy supplied.

March 1, 2007: *Minnesota State Judges Leave Bench for Other Careers*, MINNESOTA DAILY. Copy supplied.

January 7, 2007: *Justices Continue Trend of Hearing Fewer Cases*, WASHINGTON POST. Copy supplied.

December 27, 2006: *Ask the Author with David Stras, Part 2*, SCOTUSBlog. Copy supplied.

December 21, 2006: *Ask the Author with David Stras, Part 1*, SCOTUSBlog. Copy supplied.

June 21, 2006: *Turning to the Right*, Minnesota Public Radio's Midmorning Program. I have no notes, transcript, or recording.

May 24, 2006: *Former Supreme Court Justice Dismayed by Attacks on Judicial Independence*, ASSOCIATED PRESS. Copy supplied.

January 8, 2006: *A Guide to the Hearings*, STAR TRIBUNE. Copy supplied.

November 1, 2005: *The High Court Could be More Conservative – and More Catholic*, STAR-TRIBUNE. Copy supplied.

November 1, 2005: *Supreme Court: Bush Taps Sam Alito; President Nominates Conservative Appeals Court Judge*, GRAND FORKS HERALD. Copy supplied.

October 31 2005: *The Nomination of Judge Alito*, WCCO Radio Morning Show. I have no notes, transcript, or recording.

October 31, 2005: *Bush's Latest Supreme Court Nominee*, Minnesota Public Radio Midmorning Program. I have no notes, transcript, or recording.

October 31, 2005: *Comments about Alito Nomination*, ASSOCIATED PRESS, DataStream. Copy supplied.

October 29, 2005: *Defense Lawyers Rap Plea Deals: Rich Pay Way Out of Prison, They Say*, PIONEER PRESS. Copy supplied.

October 27, 2005: *The Withdrawal of Harriet Miers*, WCCO Radio. I have no notes, transcript, or recording.

October 27, 2005: *Miers Withdraws*, Minnesota Public Radio Midmorning Program. I have no notes, transcript, or recording.

October 6, 2005: *Profnet Wire: Government & Law: Supreme Court Transition*, PR Newsire Europe. Copy supplied.

October 4, 2005: *Legal Community Adopts Wait and See Approach: The Assessment of President Bush's Newest Choice for the Supreme Court is No More Clear in the Twin Cities Than in Washington*, STAR TRIBUNE. Copy supplied.

October 3, 2005: *Bush Names a Confidante to the High Court*, Minnesota Public Radio Midday Program. I have no notes, transcript, or recording.

October 3, 2005: *The Nomination of Harriet Miers*, Pat Miles Show. I have no notes, transcript, or recording.

October 3, 2005: *The Nomination of Harriet Miers*, WCCO Radio. I have no notes, transcript, or recording.

September 6, 2005: *Chief Justice Rehnquist*, Ruth Koscielak Show. I have no notes, transcript, or recording.

September 5, 2005: *William Rehnquist's Legacy*, Minnesota Public Radio Midmorning Program. I have no notes, transcript, or recording.

July 25, 2005: *MN Court Administrator Says Use of Retired Judges is Critical to State's Judiciary*, MINN. LAWYER. Copy supplied.

July 24, 2005: *Justice Fortas and Congress*, Access Minnesota. I have no notes, transcript, or recording.

July 20, 2005: *Supreme Court Nominee John Roberts*, Pat Miles Show. I have no notes, transcript, or recording.

July 20, 2005: *Global Broadcast Database*, Eyewitness News ABC. Copy supplied.

July 19, 2005: *Supreme Court Nominee John Roberts*, 5 Eyewitness News at 10. I have no notes, transcript, or recording.

July 6, 2005: *OTC's Ten Commandments*, FERGUS FALLS DAILY JOURNAL. Copy supplied.

July 5, 2005: *Justice Sandra Day O'Connor*, Ruth Koscielak Show. I have no notes, transcript, or recording.

July 2, 2005: *The O'Connor Retirement: The Battle Ahead*, STAR TRIBUNE. Copy supplied.

July 1, 2005: *Justice Sandra Day O'Connor*, WCCO Radio, July 1, 2005. I have no notes, transcript, or recording.

July 1, 2005: *Retirement of Justice Sandra Day O'Connor*, KARE 11 News at 5. I have no notes, transcript, or recording.

July 1, 2005: *Retirement of Justice Sandra Day O'Connor*, Minnesota Public Radio Midmorning Program. I have no notes, transcript, or recording.

June 8, 2005: *States Can't Allow Medical Marijuana Use*, Minnesota Public Radio Midmorning Program. I have no notes, transcript, or recording.

January 30, 2005: *Time Helped Crack Cold Case*, ST. PAUL PIONEER PRESS. Copy supplied.

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

I have served as an Associate Justice on the Minnesota Supreme Court from 2010 to present. I was appointed by Governor Tim Pawlenty in 2010 and elected to a six-year term through statewide election in 2012.

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

I have not sat on any cases that have gone to verdict or judgment because I am an appellate judge. But since I joined the Minnesota Supreme Court in July 2010, we have heard approximately 750 cases on the merits.

1. Of these, approximately what percent were:

jury trials:	N/A
bench trials:	N/A
civil proceedings:	approximately 40%
criminal proceedings:	approximately 60%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

Please see Appendix 13(b).

- 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 (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *KSTP-TV v. Metropolitan Council*, 884 N.W.2d 342 (Minn. 2016) (majority).

This case presented the question of whether video data should be classified as “personnel data,” and therefore not publicly accessible, under the Minnesota Government Data Practices Act (“Data Practices Act”), Minn. Stat. §§ 13.01–.90. Based on the plain language of the Data Practices Act, the court’s majority opinion, which I authored, concluded that the data is publicly available if it is retained for multiple purposes, not just because a subject of the data is an employee of a governmental entity. The opinion also concluded – again, based on a detailed analysis of the statute’s text – that the data’s classification (*i.e.* personnel data or not) should take place at the time the request for the data is made. The opinion remanded the case for further proceedings consistent with the decision.

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Counsel for Appellant:

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2. *State v. Expose*, 872 N.W.2d 252 (Minn. 2015) (majority).

This case presented the question of whether Minnesota’s therapist-client evidentiary privilege contains an exception allowing a therapist to testify about threatening statements made by a client. At Expose’s trial on a charge of making terroristic threats, the district court allowed the therapist to testify “[a]s an exception to the privilege.” The jury found Expose guilty, but the Minnesota

Court of Appeals reversed the conviction, holding there is no “threats exception” to the therapist-client privilege, Minn. Stat. § 595.02, subd. 1(g) (2014). I authored the majority opinion for the court, which held that the statute creating the therapist-client privilege does not contain a threats exception. Further, we concluded that the district court's error was not harmless and Expose was entitled to a new trial, because his therapist’s testimony was the key evidence at trial against him. We also held, however, that the court of appeals was incorrect when it determined that the therapist-client privilege extended to third parties—in this case, two people who learned of Expose’s threatening statements from the therapist and testified at Expose’s trial. The opinion affirmed the decision of the court of appeals and remanded the case to the district court.

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Ted Sampsell-Jones (former Special Assistant State Public Defender)
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(651) 290-6348

3. *Finn v. Alliance Bank*, 860 N.W.2d 638 (Minn. 2015) (majority)

This case presented the question of whether Minnesota’s Uniform Fraudulent Transfer Act (MUFTA) contains a “Ponzi-scheme presumption” (as some federal courts have held in interpreting the fraudulent-transfer laws of other states) that

permits certain elements of a fraudulent-transfer claim to be proven simply by establishing that the debtor was engaged in a Ponzi scheme. I authored the court's opinion, which held that the Ponzi-scheme presumption was not authorized by MUFTA, which requires creditors challenging a transfer as fraudulent to establish each of the statutory elements of a fraudulent-transfer claim. In addition, this case required us to determine whether the applicable limitations period for a MUFTA claim was the statute of limitations applicable to fraud claims or the one applicable to liabilities created by statute. Because claims for actually fraudulent transfers existed at common law before MUFTA's enactment, the opinion concluded that such claims were subject to the limitations period applicable to fraud claims.

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4. *State v. Bernard*, 859 N.W.2d 762 (Minn. 2015) (dissent)

This case presented the question of whether Minn. Stat. § 169A.20, subd. 2, which makes it a crime for a driver to refuse a request to take a chemical test to detect the presence of alcohol in the driver's blood, violated the Fourth Amendment or the Fourteenth Amendment's Due Process Clause by criminalizing the refusal to consent to an unconstitutional search. A majority of the court concluded that charging the defendant with the test-refusal crime did not

implicate a fundamental right because the search was constitutional under an exception to the warrant requirement: the search-incident-to-arrest doctrine. My dissent, which was joined by Justice Alan Page, explained that the statute was unconstitutional because it criminalized an individual's right to refuse to consent to an unconstitutional search, in violation of the rule from *Camara v. Municipal Court of San Francisco*, 387 U.S. 523 (1967). The Supreme Court of the United States, after granting certiorari in three consolidated cases, held that a search of an individual's breath is a valid search incident to arrest.

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5. *In re Guardianship of Tschumy*, 853 N.W.2d 728 (Minn. 2014) (dissent).

My dissenting opinion, which was joined by Justice Alan Page, discussed whether courts should decide purely legal issues without an actual case or controversy before it. Before the district court, the case initially involved a question about whether a court-appointed guardian could make the decision to withdraw life support for a ward of the state without district-court approval. But when the ward, Jeffers Tschumy, died shortly after the case was filed, there was no longer a live case or controversy. A majority of the Minnesota Supreme Court, by

contrast, decided to hear the case based on functional justiciability to offer guidance for guardians and courts in future cases. I dissented based on my view that the Court's decision exceeded "fundamental limitations" on judicial authority "and aggrandize[ed] judicial power at the expense of the Legislature—the branch of government that the Minnesota Constitution vests with the authority to address abstract policy questions."

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6. *Leiendecker v. Asian Women United of Minnesota*, 848 N.W.2d 224 (Minn. 2014) (majority).

This case presented the question of whether allegations in a complaint are sufficient to defeat a motion to dismiss brought under Minnesota's anti-Strategic Lawsuit against Public Participation statute, otherwise referred to as an anti-SLAPP statute. The Minnesota Court of Appeals, relying on two prior court of appeals decisions, held that the allegations in a complaint are sufficient to defeat

such a motion even though the anti-SLAPP statute required the responding party to “produce[] clear and convincing evidence.” I authored the opinion for the court, which reversed the court of appeals’ decision, holding that the plain meaning of the statute “require[d] the responding party to produce evidence to defeat an anti-SLAPP motion.”

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7. *Rew v. Bergstrom*, 845 N.W.2d 764 (Minn. 2014) (majority opinion in part, plurality opinion in part).

This case involved a challenge to a 50-year extension of an order for protection (OFP) in favor of a victim of domestic abuse and her minor children. The OFP prohibited any contact between the appellant and his ex-wife and two minor children. The OFP was affirmed by the court of appeals, and we granted review to evaluate several statutory and constitutional challenges to the OFP. In the majority/plurality opinion that I authored on behalf of the court, we affirmed the OFP as it related to contact with the ex-wife, but remanded for further consideration regarding the restraint on contact between the appellant and his two minor children. The opinion analyzed the OFP as a time, place, and manner restriction on appellant's speech, and determined that the record was not sufficiently clear to establish that the OFP burdened no more speech than necessary to advance the state's significant interest in protecting the minor children from domestic abuse. We held that the other grounds for challenging the OFP were without merit, and remanded the case for further proceedings.

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Defendant appeared *pro se*

8. *State v. M.D.T.*, 831 N.W.2d 276 (Minn. 2013) (conurrence).

This case involved the question of whether Minnesota state district courts have the authority to expunge executive-branch records without statutory authorization to do so. The majority opinion held that district courts do not have the "inherent authority" to expunge executive-branch records. I wrote a separate concurring opinion to highlight that the idea of "inherent judicial authority" was a misnomer; the judiciary's authority came entirely from the Minnesota Constitution, which strictly defined the powers of each branch of government. My concurrence explained that when the state constitution was adopted, the judiciary's power was understood as limited to deciding the cases and controversies before it. Applying that understanding to this particular case, my concurrence explained: "The core of the 'judicial power' is to decide cases and controversies, not to reach over to the other departments of government and order them to expunge their records."

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9. *State v. Crawley*, 819 N.W.2d 94 (Minn. 2012) (dissent).

This case presented the question of whether a Minnesota statute that prohibits the making of false reports of police misconduct violates the First Amendment because it allows the state to punish some people, but not others, depending on the content and viewpoint of the speech. The court's majority opinion interpreted the statute in a manner that allows the prosecution of only those individuals who make false statements rising to the level of defamation of a police officer. I wrote a dissenting opinion, in which I was joined by Justices Paul Anderson and Helen Meyer, and expressed the view that the court's analysis essentially rewrote an unambiguous statute. The dissent also concluded, again interpreting the statute as written, that the statute was unconstitutional under the First Amendment because it allowed the State to prosecute individuals based on the content and viewpoint of their speech.

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10. *United Prairie Bank-Mountain Lake v. Haugen Nutrition & Equipment, LLC*,
813 N.W.2d 49 (Minn. 2012) (majority).

This case presented the question of whether the Minnesota Constitution provided the right to a jury trial for a claim to recover attorney fees based on a contractual attorney-fees provision. The agreements between the parties allowed the respondent to recover reasonable attorney fees upon default, and the district court concluded that the question of attorney fees should be decided by the court, not a jury. The Minnesota Court of Appeals affirmed the district court's decision. I authored the opinion for the court, which analyzed whether a party would have been entitled to a jury trial on the same theory of relief at the time of the adoption of the Minnesota Constitution, and then assessed the appellant's claim in light of that analysis. The opinion concluded that the Minnesota Constitution provided the appellant with a right to a jury trial on the question of attorney fees and, accordingly, reversed the decision of the Court of Appeals and remanded the case.

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- 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.

Please see response to 13(c), which provides this information.

- e. Provide a list of all cases in which certiorari was requested or granted.

Please see Appendix 13(e).

- 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.

To my knowledge, no majority opinion I authored has been reversed by a reviewing court or affirmed with significant criticism. In *Birchfield v. North Dakota*, 136 S. Ct. 2160 (2016), the Supreme Court of the United States affirmed the majority opinion of the Minnesota Supreme Court in *State v. Bernard*, 859 N.W.2d 762 (Minn. 2015). In affirming the majority opinion from *Bernard*, *Birchfield* decided, contrary to the view I expressed in dissent, that a search of a person's breath constituted a valid search incident to arrest.

- 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.

I have not authored any unpublished opinions.

- 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.

The following list includes cases where I authored an opinion discussing a significant issue of constitutional law relating to either the Minnesota Constitution or United States Constitution. Unless noted otherwise below, I authored the majority opinion for the Minnesota Supreme Court in each case.

Bicking v. City of Minneapolis, 891 N.W.2d 304 (Minn. 2017) (dissent)
Sanchez v. State, 890 N.W.2d 716 (Minn. 2017)
State v. Horst, 880 N.W.2d 24 (Minn. 2016)
Swanson v. Integrity Advance, LLC, 870 N.W.2d 90, 94 (Minn. 2015)
State v. Her, 862 N.W.2d 692 (Minn. 2015)
State v. Bernard, 859 N.W.2d 762 (Minn. 2015) (dissent)
State v. Ali, 855 N.W.2d 235 (Minn. 2014) (concurring in part, dissenting in part)
In re Guardianship of Tschumy, 853 N.W.2d 728 (Minn. 2014) (dissent)
Rew v. Bergstrom, 845 N.W.2d 764 (Minn. 2014)
State v. Lemert, 843 N.W.2d 227 (Minn. 2014)
State v. Brooks, 838 N.W.2d 563 (Minn. 2013) (concurrence)
State v. M.D.T., 831 N.W.2d 276 (Minn. 2013) (concurrence)
Sawh v. City of Lino Lakes, 823 N.W.2d 627 (Minn. 2012)
State v. Crawley, 819 N.W.2d 94 (Minn. 2012) (dissent)
United Prairie Bank-Mountain Lake v. Haugen Nutrition & Equip., LLC, 813 N.W.2d 49 (Minn. 2012)
State v. Brist, 812 N.W.2d 51 (Minn. 2012)

- 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.

I have never sat by designation on a federal court of appeals.

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:
 - 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.

To my recollection, no litigant or party has filed a motion for, or specifically requested, my recusal from a case. There was one case, *In re Disciplinary Action against Clark*, 834 N.W.2d 186, 187 (Minn. 2013), in which a litigant sought recusal by all members of the Minnesota Supreme Court. In that case, each member of the court applied the applicable standard for recusal in Minn. Code Judicial Conduct, Rule 2.11 and decided whether to participate. I considered the applicability of Rule 2.11 in that case and decided to participate in the Court's *per curiam* decision.

As the Minnesota Supreme Court reiterated in *Clark*, “[i]t has long been the practice of this court to honor decisions of its individual members as to whether to participate in a pending proceeding.” *Id.* at 181 n.1 (quoting *In re Modification of Canon 3A(7) of the Minn. Code of Judicial Conduct*, 438 N.W.2d 95, 95 (Minn. 1989)). Accordingly, and consistent with the longstanding practices of the Minnesota Supreme Court, my recusal decisions have not followed any published policy, but have been based on my individual application of Rule 2.11(a) of the Minnesota Code of Judicial Conduct in each case after receiving information from the Minnesota Supreme Court clerk’s office regarding the parties and counsel that will appear before the Court. Rule 2.11(a) requires a judge to recuse in “any proceeding in which the judge’s impartiality might reasonably be questioned.” Consistent with Rule 2.11(a), I recused myself *sua sponte* and did not participate in the cases listed in Appendix 14. It has long been the practice of members of the Minnesota Supreme Court that we do not disclose the reason for recusal to the parties, to each other, or to the court. *In re Modification of Canon 3A(7) of the Minnesota Code of Judicial Conduct*, 438 N.W.2d 95, 96 (Minn. 1989) (order) (noting that “it is not the standard practice of the members of the court to issue formal orders in instances where a justice may choose to recuse from participation in a pending matter”).

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 any public office other than judicial office, and I have not had any unsuccessful candidacies for elective office or nominations for appointed office.

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

I have not held any membership or office with any political party or election committee. I attended two fundraising events for Tim Pawlenty's presidential campaign—one in 2008 and one in 2009—and made a contribution to the campaign. To my recollection, apart from attending these two events, I have not been involved with a political campaign in any way other than in student government in college.

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

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

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

From 1999 to 2000, I served as a law clerk to the Hon. Melvin Brunetti, Judge of the United States Court of Appeals for the Ninth Circuit.

From 2000 to 2001, I served as a law clerk to the Hon. J. Michael Luttig, Judge of the United States Court of Appeals for the Fourth Circuit

From 2002 to 2003, I served as a law clerk to the Hon. 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 never practiced law alone.

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

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- 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.

b. Describe:

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

I have spent most of my career as an academic and as a judge. The character of my time in private practice essentially had two parts. First, I worked as an associate attorney at Sidley Austin Brown & Wood LLP (now Sidley Austin LLP), in Washington, D.C. from 2000 to 2001. During this time, my practice focused principally on appellate litigation with a secondary focus on white-collar criminal litigation.

Second, I held an Of Counsel position at Faegre & Benson LLP (now Faegre Baker Daniels LLP) during the same time I was a full-time faculty member of the University of Minnesota Law School. I was a member of the firm's appellate litigation group, and my practice consisted of drafting briefs and dispositive motions in cases before both federal and state courts. I also offered specialized advice on appellate advocacy to attorneys working on cases before the United States Courts of Appeals and the Supreme Court of the United States.

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

During my time as an associate at Sidley Austin, I specialized in appellate advocacy and criminal defense. I represented a wide range of clients, including telecommunications companies, railroad companies, and financial-services companies. In the course of my pro bono work, I

represented an indigent criminal defendant who had been convicted of murder in a District of Columbia court.

During the time I worked with Faegre & Benson, I also represented a diverse range of clients, including a nationwide coffee business and a mortgage company. I also advised a number of attorneys and clients regarding a range of legal issues, primarily dealing with appellate advocacy and federal-courts issues.

- 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 did not appear in court. I did, however, appear as counsel on briefs and other dispositive motions that were filed with various courts before which I practiced.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-------------------|
| 1. federal courts: | approximately 70% |
| 2. state courts of record: | approximately 30% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-------------------|
| 1. civil proceedings: | approximately 70% |
| 2. criminal proceedings: | approximately 30% |

- 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.

Because my practice consisted almost entirely of appellate and motions practice, I have not tried cases to verdict, judgment, or final decision.

- i. What percentage of these trials were:

- | | |
|--------------|------|
| 1. jury: | ___% |
| 2. non-jury: | ___% |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply 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 am listed as counsel on the following briefs:

Norfolk & W. Ry. Co. v. Ayers, 538 U.S. 135 (2003) (brief of petitioner, 2002 WL

1475863).

Coffee Beanery, Ltd. v. WW, LLC, No. 08-1396, *cert. denied*, 558 U.S. 819 (2009) (reply brief of appellant-petitioner in support of certiorari, 2009 U.S. S. Ct. Briefs LEXIS 1402).

In addition, I assisted in editing a brief in *Danforth v. Minnesota*, 552 U.S. 264 (2008) (brief for petitioner, 2007 WL 2441595).

During my time in private practice, and while I was an academic, I was asked to provide strategic advice on petitions for certiorari and merits briefs from time to time. I did not maintain a list of such cases and my involvement did not rise to the level of drafting or editing the briefs.

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.

The majority of my career has been spent as a law clerk, academic and judge. After reviewing my records and conducting database searches, I have identified the following non-confidential matters that I litigated while in private practice:

1. *Norfolk & Western Railway Co. v. Ayers*, 538 U.S. 135 (2003).

While at Sidley Austin, I represented Norfolk & Western Railway Company in briefing this case in an appeal before the Supreme Court of the United States, following a jury verdict against the railroad in West Virginia state court. The case posed two questions under the Federal Employers' Liability Act ("FELA") regarding liability for pain and suffering and the apportionment of damages. I did not participate in the preparation for the oral argument because it took place during my clerkship with Justice Thomas. The Supreme Court, in a 5-to-4 decision, ruled against my client.

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2. *Williams v. Geithner*, Case No. 09-CV-1959 (Minn. 2009).

This case involved a putative class action against the United States government along with a group of home mortgage providers based on the operation of a federal home mortgage program. After filing the lawsuit, the plaintiffs filed a motion seeking a preliminary injunction that would prevent the defendants from foreclosing on any mortgages in Minnesota. The defendants filed motions to dismiss. While at Faegre Baker & Daniels, I represented GMAC Mortgage in successfully opposing plaintiffs' motion for a preliminary injunction, and advancing GMAC's motion to dismiss. In denying the motion for a preliminary

injunction, the court found that plaintiffs were not likely to prevail on the merits of their legal claim. After rejecting the plaintiffs' legal theory, the court granted defendants' motion to dismiss and dismissed the complaint with prejudice.

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3. *United States v. Dean*, No. 1997 FEL 001104 (D.C. Super. Ct.)

Mr. Dean was convicted of first-degree murder by a jury in the Superior Court for the District of Columbia. While at Sidley Austin, I drafted post-trial motions challenging various aspects of the conviction and requesting a new trial on the ground of newly-discovered evidence. The court denied those motions, and some of the issues were the subject of a subsequent appeal in *Dean v. United States*, 938 A.2d 751 (D.C. 2007).

Co-Counsel for Defendant Mr. Dean:

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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 indicated above, much of my work as an academic involved providing public analysis and commentary on important legal issues, particularly those involving the Supreme Court of the United States and other appellate courts. Please also see my responses to Question 12 above.

Apart from those activities, as an academic, I provided advice and consultation on various issues, including with respect to cases before the Supreme Court of the United States and various United States Courts of Appeals.

I also appeared along with several other law professors as amicus in *Brayton v. Pawlenty*, 781 N.W.2d 357, 358–59 (Minn. 2010), a decision regarding the scope and nature of separation of powers under the Minnesota Constitution.

I have not served as a lobbyist.

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

I have taught a seminar on the Supreme Court of the United States addressing current term cases at the University of Iowa College of Law during the August intersession periods of 2014, 2015, and 2016. Syllabi supplied.

I co-taught a course entitled “Topics in Federal Jurisdiction” at the Indiana University-Maurer School of Law during the spring semester of 2013. Syllabus supplied.

I taught a seminar on the Supreme Court of the United States addressing current term cases during the spring intersession period at Vanderbilt University in April 2012. Syllabus supplied.

I co-taught a course entitled “Selected Fundamental Principles of Constitutional Law” at the University of Minnesota Law School during the spring semester of 2010. Syllabus supplied.

I taught Constitutional Law at the University of Minnesota Law School during the fall semester of 2009. Syllabus supplied.

I taught Federal Jurisdiction at the University of Minnesota Law School during the fall semesters of 2005 and 2009, and spring semesters of 2008 and 2009. Syllabi supplied.

I taught Law and Economics at the University of Alabama School of Law during the spring and summer semesters of 2004. Syllabi supplied.

I taught a seminar on the Supreme Court of the United States addressing current term cases at the University of Minnesota Law School during the fall semesters of 2004, 2005,

and 2011, and spring semesters of 2007 and 2009. Syllabi supplied.

I taught Criminal Law at the University of Minnesota Law School during the spring semesters of 2005, 2007, and 2008. Syllabi supplied.

I taught Federal Jurisdiction at the University of Alabama School of Law during the fall semester of 2003. 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.

I am eligible to receive retirement benefits under the Minnesota State Retirement System Judges Retirement Plan, which also is identified in the financial disclosure report. The precise amount of the benefit I will receive will be determined when I either withdraw funds from the plan before becoming eligible for benefits or become eligible for benefits at age 65.

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.

The only outside employment to which I have agreed is occasional teaching, usually short courses, while serving on the court. This upcoming summer, the University of Iowa College of Law has asked me to teach my Supreme Court short course again, and I have tentatively agreed to do so.

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.

Conflicts of interest could arise in matters involving my former law firms, friends, or family. I plan to address any conflicts in the manner described in paragraph 24(b) below.

- 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 workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

During my time in private practice, I devoted a significant amount of time to pro bono work on behalf of indigent clients. For example, while at Sidley Austin Brown & Wood (now Sidley Austin LLP), I devoted close to 25% of my time to pro bono matters, including a murder case in which I represented an indigent defendant in post-trial motions challenging his criminal conviction.

I continued these pro bono efforts during my time in academia by volunteering to consult with the Minnesota Appellate Defender's Office on one case, *Danforth v. Minnesota*, 552 U.S. 264 (2008), in which the attorneys were able to win a reversal of the Minnesota Supreme Court's decision.

26. **Selection Process:**

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

In January 2017, I was asked separately by both Congressman Erik Paulsen and

Congressman Tom Emmer if I would be interested in being nominated to fill a vacant position on the United States Court of Appeals for the Eighth Circuit. I indicated I would be interested. In early February 2017, Congressman Paulsen, Congressman Emmer, and Congressman Jason Lewis sent a letter to the White House recommending that I be nominated for the position. Each congressman met with me separately. Also in early February 2017, I corresponded and spoke with an official from the White House Counsel's Office about the vacancy and my potential interest in the position.

On March 3, 2017, I interviewed with staff at the White House Counsel's office in Washington, D.C., and with White House Counsel. Following those interviews, White House Counsel told me the White House intended to move forward with my nomination.

Since March 3, 2017, I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice in Washington, D.C.

- 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.