UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NOMINEE TO THE SUPREME COURT

PUBLIC

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

Amy Coney Barrett
Amy Vivian Coney

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

Associate Justice, Supreme Court of the United States

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.

Robert K. Rodibaugh United States Courthouse
401 South Michigan Street
South Bend, Indiana 46601

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

1972; New Orleans, Louisiana

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.

1994 – 1997: Notre Dame Law School; J.D. (*summa cum laude*), 1997

1990 – 1994: Rhodes College; B.A. (*magna cum laude*), 1994

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.

2017 – present
United States Court of Appeals for the Seventh Circuit
Everett McKinley Dirksen United States Courthouse
219 South Dearborn Street, Room 2722

Chicago, Illinois 60604
Circuit Judge

2002 – present
Notre Dame Law School
3165 Eck Hall of Law
Notre Dame, Indiana 46556
Professor of Law (2002 – 2017)
Adjunct (2017 – present)

October 16 – November 1, 2007
University of Virginia School of Law
580 Massie Road
Charlottesville, Virginia 22903
Visiting Associate Professor of Law

2001 – 2002
George Washington University Law School
2000 H Street, N.W.
Washington, D.C. 20052
John M. Olin Fellow in Law

Spring 2001
George Washington University Law School
2000 H Street, N.W.
Washington, D.C. 20052
Adjunct Faculty Member

2001
Baker Botts L.L.P.
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Associate

1999 – 2000
Miller, Cassidy, Larroca & Lewin L.L.P.
(Miller, Cassidy merged with Baker Botts L.L.P. in 2001)
2555 M Street, N.W.
Washington, D.C. 20037
Associate

1998 – 1999
Honorable Antonin Scalia
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

Law Clerk

1997 – 1998
Honorable Laurence H. Silberman
United States Court of Appeals for the District of Columbia Circuit
333 Constitution Avenue, N.W.
Washington, D.C. 20001
Law Clerk

Summer 1997
Covington & Burling LLP
One CityCenter
850 10th Street, N.W.
Washington, D.C. 20001
Summer Associate

Summer 1996
Liskow & Lewis
One Shell Square
701 Poydras Street, Suite 5000
New Orleans, Louisiana 70139
Summer Associate

Summer 1996
Stone Pigman Walther Wittmann LLC
546 Carondelet Street
New Orleans, Louisiana 70130
Summer Associate

1995 – 1996
Notre Dame Law School
Eck Hall of Law
Notre Dame, Indiana 46556
Research Assistant, Professor William K. Kelley

Summer 1995
Liskow & Lewis
One Shell Square
701 Poydras Street, Suite 5000
New Orleans, Louisiana 70139
Summer Associate

Summer 1995
Phelps Dunbar LLP
365 Canal Street, Suite 2000
New Orleans, Louisiana 70130

Summer Associate

Summer 1994
Phelps Dunbar LLP
365 Canal Street, Suite 2000
New Orleans, Louisiana 70130
Administrative Assistant

Other Affiliations

Although not necessarily responsive to the question, out of an abundance of caution, I note that in May 2014, I undertook a single consulting project on behalf of the Gerson Lehrman Group. Contact information is provided below:

May 2014
Gerson Lehrman Group
60 East 42nd Street, 3rd Floor
New York, New York 10165

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

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

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

The Green Bag Almanac and Reader, Honoree for Exemplary Legal Writing 2019: Judicial Opinions (2020)

Alumna of the Year, St. Mary's Dominican High School (2018)

Distinguished Alumnus of the Year, Archdiocese of New Orleans (2018)

Notre Dame Law School Distinguished Professor of the Year (2006, 2016, and 2018)

St. Thomas More Award, St. Thomas More Society, Dallas, Texas (2018)

Diane & M.O. Miller, II Research Chair in Law (2014 – 2017)

Provost Featured Faculty at the University of Notre Dame (2016)

Degree from Notre Dame Law School conferred *summa cum laude* (1997)

Hoynes Prize (awarded to the Notre Dame Law School graduate with the best record in scholarship, deportment, and achievement) (1997)

Dean's Award (best exam): Administrative Law, Civil Procedure I, Civil Procedure II, Constitutional Law, Contracts, Criminal Procedure, Evidence, First Amendment, Torts II, Legal Research, and Legal Writing (1994 – 1997)

Kiley Fellow (full-tuition fellowship to Notre Dame Law School) (1994 – 1997)

Degree from Rhodes College conferred *magna cum laude* (1994)

Most Outstanding English Major (1994)

Most Outstanding Senior Thesis (1994)

Phi Beta Kappa (1994)

Mortar Board (1994)

Omicron Delta Kappa (1994)

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.

Advisory Committee on Federal Rules of Appellate Procedure (2010 – 2016)

American Association of Law Schools
- Civil Procedure Section (2008 –2017)
- Constitutional Law Section (2008 – 2017)
  - Executive Board (2009 – 2011)
- Evidence Section (2008 – 2017)
- Federal Courts Section (2008 – 2017)
  - Chair-Elect (2017)
- Law & Religion (2008 – 2017)
- Legislation & Law of the Political Process (2008 – 2017)
- Women in Legal Education (2008 – 2017)

American Law Institute (2018 – present)
- Torts: Defamation and Privacy Subcommittee (2019 – present)

Federalist Society for Law & Public Policy Studies (2005 – 2006, 2014 – 2017)

U.S. Court of Appeals for the Seventh Circuit
- Bankruptcy Search Committee (2018 – present)
  - Northern District of Illinois (2019)

Southern District of Indiana (2018)
Eastern District of Wisconsin (2018)
Clerk of Court Hiring Committee (2020)
Court Rules Committee (2018 – present)
Deputy Circuit Executive Hiring Committee (2020)
Federal Judicial Center Seventh Circuit Workshop Planning Committee (2018 – 2019)
Internal Rules Committee (2018 – present)
Judicial Council (2017 – present)
Pattern Civil Jury Instruction Committee (2019 – present)
Rules of Practice and Procedure (2018 – present)

Solicitor General's Resolution Committee to Honor Antonin Scalia (2016)

10. **Bar and Court Admission**:

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

Virginia, 2000
District of Columbia, 2001

There have been no lapses in my membership in the Virginia bar. From 2002 (when I began teaching) until 2017, I maintained "associate member" status in Virginia. After taking the bench, I took "judicial member" status.

I had no lapses in membership in the District of Columbia bar before I became a judge. After taking the bench, I decided not to renew my membership in the District of Columbia Bar, and my membership status is listed as "resigned" as of 2018.

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

I do not have records of the courts in which I was admitted to practice while at Miller, Cassidy, Larocca & Lewin L.L.P., and Baker Botts L.L.P.

11. **Memberships**:

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, or in which you have participated, from the beginning of law school. Provide dates of membership or participation, and indicate any office you held. "Participation" means consistent or repeated involvement in a given

organization, membership, or regular attendance at events or meetings. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications. Describe briefly the nature and objectives of each such organization; the nature of your participation in each such organization and identify an office or other person from whom more detailed information may be obtained.

Notre Dame Law School & Notre Dame University.
Academic and Administrative Committees. Consistent with the practice of most law school faculty, while I was a full-time professor at Notre Dame Law School, I sat on a number of academic and administrative committees as listed below. For further information regarding Notre Dame Law School committees, please contact the administrative assistant to the Dean at (574) 631-0276. For further information related to University of Notre Dame committees, please contact the Office of the President at (574) 631-3903.

Notre Dame Law School
Notre Dame Law Review, Faculty Advisor (2015 – 2017)
Women's Legal Forum, Faculty Advisor (2006 – 2017)
Social Justice Forum, Faculty Advisor (2004 – 2006)
Curriculum Committee (2007 – 2008; 2011; 2013 – 2014; 2016 – 2017)
Chair (2013 – 2014; 2016 – 2017)
Faculty Colloquium Committee (2005 – 2007; 2013 – 2014; 2016 – 2017)
Promotions Committee (2014 – 2016)
Chair (2014 – 2015)
Appointments Committee (2008 – 2013)
Chair (2008 – 2010)
Lardy Fellowship Committee (2007 – 2012)
American Bar Association Self-Study Committee (2008 – 2009)
Clerkship Committee, Notre Dame Law School (2007 – 2008)
Chair (2007 – 2008)
Faculty Development Committee (2006 – 2007)
Advanced Legal Writing Committee (2005 – 2006)
Admissions Committee (2003 – 2006)

University of Notre Dame
Committee on Women Faculty and Students, (2006 – 2010; 2016 – 2017)
Parking Committee (2016 – 2017)
Dean Review Committee (2013)
University Faculty for Life (approximately 2010 – 2016)
Early Childhood Development Center Advisory Group (2009 – 2010)

Trinity Schools (2015 – 2017)
Member, Board of Trustees
The Trinity Schools are a group of independent Christian schools located in South Bend, Indiana, Eagan, Minnesota, and Falls Church, Virginia. As a member of the Board of Trustees, I attended and participated in meetings of the board. For further information,

contact the president of Trinity Schools, Jon Balsbaugh at jbalsbaugh@trinityschools.org.

Morris Park Country Club (approximately 2010 – 2012, 2018 – present)
Member
Morris Park Country Club is a country club located in South Bend, Indiana. My family joined the club because it offers family-friendly recreational opportunities, including tennis, golf, and a swimming pool.

The Union League Club of Chicago (2018 – present)
Member
The Union League Club is private club located in Chicago near the Dirksen Federal Building, the principal courthouse where the Seventh Circuit hears cases. I joined the Union League Club principally for lodging while in Chicago for court business.

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

Years before I became a member of the Morris Park Country Club and the Union League Club of Chicago, it is my understanding that these clubs, like similar clubs around the country, may have excluded members on discriminatory bases that should not have been acceptable to people then and would not be acceptable now.

Except as set forth above, to the best of my knowledge, none of the above organizations currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

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

Please see Appendix 11.c.

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

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet, regardless of whether it was published in your name, another name, or anonymously. Supply four (4) copies of all published material to the

Committee.

Assorted Canards of Contemporary Legal Analysis: Redux, 70 Case W. Res. L. Rev. 855 (2020). Copy supplied.

Scalia Forum 2019: Panel Discussion, 26 Geo. Mason L. Rev. 19 (2019). Copy supplied.

Originalism and Stare Decisis, 92 Notre Dame L. Rev. 1921 (2017). Copy supplied.

Congressional Insiders and Outsiders, 84 U. Chi. L. Rev. 2193 (2017). Copy supplied.

With John Copeland Nagle, *Congressional Originalism*, 19 U. Penn. J. of Const. L. 1 (2017). Copy supplied.

Countering the Majoritarian Difficulty, 32 Const. Comment. 61 (2017). Copy supplied.

With Neal K. Katyal, *The Suspension Clause*, National Constitution Center's Interactive Constitution, available at http://constitutioncenter.org/interactive-constitution/articles/article-i/the-suspension-clause-by-amy-barrett/clause/48. Copy supplied.

Statutory Interpretation, *in* 5 American Governance (2016). Copy supplied.

Federal Court Jurisdiction, *in* 2 American Governance (2016). Copy supplied.

Reflection, University of Notre Dame Alumni Association, Dec. 22, 2015. Copy supplied.

Suspension and Delegation, 99 Cornell L. Rev. 251 (2014). Copy supplied.

Precedent and Jurisprudential Disagreement, 91 Tex. L. Rev. 1711 (2013). Copy supplied.

Introduction: The Interpretation/Construction Distinction in Constitutional Law, 27 Const. Comment. 1 (2010). Copy supplied.

Substantive Canons and Faithful Agency, 90 B.U. L. Rev. 109 (2010). Copy supplied.

Comment to Administrators, *Hiring Chairs for 2009-10: Announce Yourselves Here Please*, PrawfsBlawg, Aug. 26, 2009, http://prawfsblawg.blogs.com/prawfsblawg/2009/08/hiring-chairs-for-200910-announce-yourselves-here-please.html. Copy supplied.

Federal Jurisdiction, *in* 2 Encyclopedia of the Supreme Court of the United States (2008). Copy supplied.

Reflection, Notre Dame Lawyer, Fall 2008. Copy supplied.

Procedural Common Law, 94 Va. L. Rev. 813 (2008). Copy supplied.

Introduction: Stare Decisis and Nonjudicial Actors, 83 Notre Dame L. Rev. 1147 (2008). Copy supplied.

Statutory Stare Decisis, PrawfsBlawg, Apr. 02, 2008, http://prawfsblawg.blogs.com/prawfsblawg/2008/04/statutory-stare.html. Copy supplied.

Noogiegate, PrawfsBlawg, Mar. 25, 2008, http://prawfsblawg.blogs.com/prawfsblawg/2008/03/noogiegate.html. Copy supplied.

EZ-Pass or EZ-Ticket?, PrawfsBlawg, Mar. 14, 2008, http://prawfsblawg.blogs.com/prawfsblawg/2008/03/ez-pass-or-ez-t.html. Copy supplied.

Grape Vodka, Anyone?, PrawfsBlawg, Mar. 10, 2008, http://prawfsblawg.blogs.com/prawfsblawg/2008/03/temperance-laws.html. Copy supplied.

Comment to James Grimmelmann, *Student Note Title Hall of Shame: YouTube Edition*, PrawfsBlawg, Mar. 06, 2008, http://prawfsblawg.blogs.com/prawfsblawg/2008/03/student-note-ti.html. Copy supplied.

Bobby Jindal and Ethics Reform in LA, PrawfsBlawg, Mar. 06, 2008, http://prawfsblawg.blogs.com/prawfsblawg/2008/03/bobby-jindal-an.html. Copy supplied.

Sentencing Guidelines and Retroactivity, PrawfsBlawg, Mar. 03, 2008, http://prawfsblawg.blogs.com/prawfsblawg/2008/03/03/index.html. Copy supplied.

An Unlikely Blogger, PrawfsBlawg, Mar. 02, 2008, http://prawfsblawg.blogs.com/prawfsblawg/2008/03/02/index.html. Copy supplied.

The Supervisory Power of the Supreme Court, 106 Colum. L. Rev. 101 (2006). Copy supplied.

Statutory Stare Decisis in the Courts of Appeals, 73 Geo. Wash. L. Rev. 317 (2005). Copy supplied.

Stare Decisis and Due Process, 74 U. Colo. L. Rev. 1011 (2003). Copy supplied.

With John H. Garvey, *Catholic Judges in Capital Cases*, 81 Marq. L. Rev. 303 (1998). Copy supplied.

b. Supply four (4) copies of any reports, memoranda, policy statements, minutes, agendas, legal filings, or other materials you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member or in which you have participated as defined in 11(a). Include reports, memoranda, policy statements, or legal filings of any advisory board on which you served or working group of any bar association, committee, or conference which produced a report, memorandum, policy statement, or legal filing even where you did not contribute to it. If you do not have a copy of a report, memorandum, policy statement, or legal filing, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

To the best of my knowledge and recollection:

U.S. Court of Appeals for the Seventh Circuit Judicial Conference, *Policy on Equal Employment Opportunity, Discrimination, Harassment, and Employment Dispute Resolution for the United States Court of Appeals for the Seventh Circuit*, May 1, 2018. Copy supplied.

U.S. Court of Appeals for the Seventh Circuit Judicial Conference, *Notice of Adoption of Modifications to Circuit Rule 10 and Rescission of Circuit Rule 11*, March 23, 2018. Copy supplied.

Resolution of the Bar of the Supreme Court of the United States in Gratitude and Appreciation for the Life, Work, and Service of Justice Antonin Scalia, Nov. 4, 2016. Copy supplied.

Advisory Committee on Appellate Rules, *Report of Advisory Committee on Appellate Rules*, May 18, 2016. Copy supplied.

Advisory Committee on Appellate Rules, *Report of Advisory Committee on Appellate Rules*, Dec. 15, 2014. Copy supplied.

Advisory Committee on Appellate Rules, *Report of Advisory Committee on Appellate Rules*, May 8, 2014. Copy supplied.

Advisory Committee on Appellate Rules, *Report of Advisory Committee on Appellate Rules*, Dec. 16, 2013. Copy supplied.

Advisory Committee on Appellate Rules, *Report of Advisory Committee on Appellate Rules*, May 8, 2013. Copy supplied.

Advisory Committee on Appellate Rules, *Report of Advisory Committee on Appellate Rules*, Dec. 5, 2012. Copy supplied.

Advisory Committee on Appellate Rules, *Report of Advisory Committee on Appellate*

Rules, Dec. 7, 2011. Copy supplied.

Advisory Committee on Appellate Rules, *Report of Advisory Committee on Appellate Rules*, May 2, 2011. 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.

Letter to Robert P. Deyling, Assistant General Counsel, Administrative Office of the United States Courts (March 18, 2020). Copy supplied.

On September 6, 2017, I testified before the United States Senate Committee on the Judiciary at my confirmation hearing to be a Circuit Judge on the United States Court of Appeals for the Seventh Circuit. Video of that testimony as well as my responses to written questions submitted by members of the committee are available at https://www.judiciary.senate.gov/meetings/08/08/2017/nominations.

Minutes of Spring 2016 Meeting of Advisory Committee on Appellate Rules (Apr. 5–6, 2016) (statements made as member of Committee). Copy supplied.

Draft Minutes of Fall 2015 Meeting of Advisory Committee on Appellate Rules (Oct. 29–30, 2015) (statements made as member of Committee). Copy supplied. I have been unable to locate a copy of the final minutes, but the minutes of the Spring 2016 Meeting supplied above state that these draft minutes were adopted with only one change.

Minutes of Spring 2015 Meeting of Advisory Committee on Appellate Rules (Apr. 23–24, 2015) (statements made as member of Committee). Copy supplied.

Minutes of Fall 2014 Meeting of Advisory Committee on Appellate Rules (Oct. 20, 2014) (statements made as member of Committee). Copy supplied.

Minutes of Spring 2014 Meeting of Advisory Committee on Appellate Rules (Apr. 28–29, 2014) (statements made as member of Committee). Copy supplied.

Minutes of Spring 2013 Meeting of Advisory Committee on Appellate Rules (Apr. 22–23, 2013) (statements made as member of Committee). Copy supplied.

Minutes of Fall 2012 Meeting of Advisory Committee on Appellate Rules (Sept. 27, 2012) (statements made as member of Committee). Copy supplied.

Letter, *Unacceptable*, The Becket Fund, (Feb. 27, 2012) (signed letter as faculty member of religious institution). Copy supplied.

Minutes of Fall 2011 Meeting of Advisory Committee on Appellate Rules (Oct. 13–14,

2011) (statements made as member of Committee). Copy supplied.

Minutes of Spring 2011 Meeting of Advisory Committee on Appellate Rules (Apr. 6–7, 2011) (statements made as member of Committee). Copy supplied.

Letter re Judicial Nomination of John G. Roberts, Jr., to the United States Court of Appeals for the District of Columbia Circuit, 151 Cong. Rec. S 8525 (Dec. 18, 2002) (signed letter as member of the bar of the District of Columbia). Copy supplied.

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

To my recollection and through a review of my calendars and searches of publicly available databases by persons acting on my behalf, I have found the following responsive materials.

September 26, 2020: Speaker, Nomination Announcement, The White House, Washington, D.C. Video available at https://www.youtube.com/watch?v=YKmckLw5HiY.

September 11, 2020: Judge, "Moot Court: *California v. Texas*," 2020 Supreme Court Preview, Institute of Bill of Rights Law, William & Mary Law School, Williamsburg, Virginia. This event was held online. I have no notes, transcript, or recording. The address of the Institute of Bill of Rights Law is William & Mary Law School, Post Office Box 8795, Williamsburg, Virginia 23187.

August 12, 2020: Panelist, "We're All Textualists Now? Implementing a Sound Interpretive Approach on the Trial Court and Beyond," Jacksonville Lawyers Chapter of the Federalist Society. This event was held online. Video available at https://www.youtube.com/watch?v=OZBwzQ1olIU&feature=youtu.be.

March 1, 2020: Speaker, "Women's Empowerment Week Brunch," Pasquerilla West Dormitory Brunch, Notre Dame University, Notre Dame, Indiana. Notes supplied.

February 27, 2020: Participant, "Negligence in Neverland? The Trial of Peter Pan," Shakespeare Theatre Company, Washington, D.C. I have no notes, transcript, or recording. I served as a judge in a fictional trial of Peter Pan. The address of the Shakespeare Theatre Company is 516 8th Street, S.E., Washington, D.C. 20003. Press coverage supplied.

February 20–21, 2020: Participant, "Constitutions, Peoples, and Sovereignty," Notre Dame Law School, London, United Kingdom. I have no notes, transcript, or recording. This was a roundtable discussion, and I commented on James Finnis's paper, "The Unconstitutionality of the Supreme Court's Prorogation Decision." The address of the Notre Dame Law School is Eck Hall of Law, Notre Dame, Indiana 46556.

February 5, 2020: Introductory Speaker, "Data-Driven Originalism: The Rise of Corpus Linguistics," Notre Dame Law School Federalist Society, Notre Dame, Indiana. I have no notes, transcript, or recording. I offered brief remarks and introduced the principal speaker, James Phillips. The address of the Notre Dame Law School Federalist Society is Eck Hall of Law, Notre Dame, Indiana 46556.

February 3, 2020: Panelist, "Clerkships," Notre Dame Law School, Notre Dame, Indiana. I have no notes, transcript, or recording. I, and other members of the Seventh Circuit, spoke about the responsibilities and duties of a law clerk. The address of the Notre Dame Law School is Eck Hall of Law, Notre Dame, Indiana 46556. Press report supplied.

January 30, 2020: Judge, 2020 Van Vleck Constitutional Law Moot Court Competition, George Washington University Law School, Washington, D.C. Video and press report available at https://www.law.gwu.edu/2020-van-vleck-moot-court-competition-takes-over-lisner.

January 30, 2020: Speaker, George Washington University Law School Federalist Society, Washington, D.C. I have no notes, transcript, or recording. I spoke regarding originalism. The address of the George Washington University Law School Federalist Society is 2000 H Street, N.W., Washington, D.C. 20052.

January 24, 2020: Panelist, "How Women Have Shaped the Judiciary," Notre Dame Law School, Notre Dame, Indiana. Video and press coverage available at https://law.nd.edu/news-events/news/nd-law-marks-19th-amendments-centennial-with-panel-on-women-in-the-judiciary/.

January 20, 2020: Guest speaker, Professor A.J. Bellia's Directed Reading Seminar for Future Law Clerks, Notre Dame Law School, Notre Dame, Indiana. I have no notes, transcript, or recording. I spoke to Professor Bellia's class about the responsibilities and duties of a law clerk. The address of the Notre Dame Law School is Eck Hall of Law, Notre Dame, Indiana 46556.

November 15, 2019: Panelist, "Showcase Panel II: Why, or Why Not, Be an Originalist?," 2019 Federalist Society National Lawyers Convention, Washington, D.C. Video available at https://www.youtube.com/watch?v=Ef4kZL93kng&feature=youtu.be.

November 4, 2019: Speaker, Women's Legal Forum, Notre Dame Law School, Notre Dame, Indiana. I have no notes, transcript, or recording. I talked to students about challenges that women face in the workplace. The address of the Women's Legal Forum

is Eck Hall of Law, Notre Dame, Indiana 46556.

October 25, 2019: Panelist, "Federal and State Appellate Judicial Panel," 2019 American Academy of Appellate Lawyers Fall Meeting, Chicago, Illinois. I have no notes, transcript, or recording. Panelists (two federal judges and two state judges) spoke on a variety of topics related to appellate practice. The address of the American Academy of Appellate Lawyers is 1300 Piccard Drive, Suite LL 14, Rockville, Maryland 20850.

October 17, 2019: Speaker, "The Constitution as Our Story," James Madison Program in American Ideals and Institutions, Princeton, New Jersey. Video available at https://jmp.princeton.edu/events/constitution-our-story. Press report supplied.

October 1, 2019: Speaker, "The Obstacle in Your Path Is Your Path," Red Mass Reception, St. Thomas More Societies of South Bend and Fort Wayne, Fort Wayne, Indiana. Notes supplied in response to October 13, 2018, event below.

September 19, 2019: Speaker, "Assorted Canards of Contemporary Analysis Redux," Case Western Reserve University School of Law, Cleveland, Ohio. Comments published as *Assorted Canards of Contemporary Legal Analysis: Redux*, 70 Case W. Res. L. Rev. 855 (2020), and supplied in response to Question 12.a. above. Video available at https://www.youtube.com/watch?v=onE3L0BhH-g&feature=youtu.be.

September 14, 2019: Panelist, "Judges Panel," 2019 Supreme Court Preview, Institute of Bill of Rights Law, William & Mary Law School, Williamsburg, Virginia. I have no notes, transcript, or recording. I spoke on a panel regarding judicial independence. The address of the Institute of Bill of Rights Law is William & Mary Law School, Post Office Box 8795, Williamsburg, Virginia 23187. Press report supplied.

September 13, 2019: Judge, "Moot Court: *Bostock v. Clayton County, Georgia*," 2019 Supreme Court Preview, Institute of Bill of Rights Law, William & Mary Law School, Williamsburg, Virginia. Video available at https://www.youtube.com/watch?v=XlGPQ2V6hmE.

September 5, 2019: Speaker, "The Constitution As Our Story," Founder's Day Dinner, BYU Law School, Provo, Utah. Video supplied.

May 29, 2019: Panelist, Annual Roundtable Luncheon, Illinois Appellate Lawyers Association, Chicago, Illinois. I have no notes, transcript, or recording. Panelists addressed issues related to appellate practice. The address of the Illinois Appellate Lawyers Association is 1717 North Naper Boulevard, Suite 102, Naperville, Illinois 60563. Press report supplied.

May 22, 2019: Speaker, Originalism Summer Seminar, Georgetown Law School, Washington, D.C. Notes supplied.

May 21, 2019: Speaker, "Reflections on Judging: A Conversation with Amy Coney

Barrett," Hillsdale College in D.C., Washington, D.C. Video available at https://www.youtube.com/watch?v=j0ZN532f9d0.

May 7, 2019: Speaker, Portrait Unveiling, Seventh Circuit Bar Association, Milwaukee, Wisconsin. Video available at https://vimeo.com/346977162.

April 25, 2019: Panelist, Scalia Forum, Antonin Scalia Law School, Arlington, Virginia. Comments published as *Scalia Forum 2019: Panel Discussion*, 26 Geo. Mason L. Rev. 19 (2019), and supplied in response to Question 12.a. above.

April 17, 2019: Speaker, "Originalism: Why We Should Live with our Dead Constitution," University of Chicago Law School Federalist Society, Chicago, Illinois. I have no notes, transcript, or recording. I spoke regarding originalism. The address of the University of Chicago Law School Federalist Society is 1111 East 60th Street, Chicago, Illinois 60637.

April 17, 2019: Speaker, "Judging and Advocacy," Robert Gasaway's class titled "Supreme Court Strategy, Administrative Jurisprudence, and the Law," University of Chicago Law School, Chicago, Illinois. I have no notes, transcript, or recording. I spoke regarding judging. The address of the University of Chicago Law School is 1111 East 60th Street, Chicago, Illinois 60637.

April 12, 2019: Speaker, "Originalism: Why We Should Live with our Dead Constitution," New Orleans Lawyers Chapter of the Federalist Society, New Orleans, Louisiana. I have no notes, transcript, or recording. I spoke regarding originalism. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

April 4, 2019: Speaker, "Friendship and Differences," University of Virginia Law School Federalist Society Spring Reception, Charlottesville, Virginia. Notes supplied.

March 28, 2019: Speaker, "A Conversation with Judges Thapar and Barrett," University of Notre Dame, Notre Dame, Indiana. Video available at https://www.youtube.com/watch?v=tpnKRs6-V4M&feature=youtu.be.

March 1, 2019: Judge, Moot Court, Notre Dame Law School, Notre Dame, Indiana. I have no notes, transcript, or recording. I judged moot court. The address of Notre Dame Law School is Eck Hall of Law, Notre Dame, Indiana 46556.

February 25, 2019: Speaker, "Constitutional Originalism and Continuity," The Eleanor H. McCullen Center for Law, Religion and Public Policy, Villanova University School of Law, Villanova, Pennsylvania. Video available at https://vums-web.villanova.edu/Mediasite/Play/f7ca815ece5447a8954fd8871fe104d21d.

February 25, 2019: Speaker, "Originalism: Why We Should Live with our Dead Constitution," University of Pennsylvania Federalist Society, Philadelphia, Pennsylvania.

I have no notes, transcript, or recording. I spoke regarding originalism. The address of the University of Pennsylvania Federalist Society is 3501 Sansom Street, Philadelphia, Pennsylvania 19104."

February 19, 2019: Speaker, "A Conversation with Judge Amy Coney Barrett '97 J.D.," Notre Dame Club of Washington, D.C., Washington, D.C. Video available at https://www.youtube.com/watch?v=0HMAHnT-y7c.

February 14, 2019: Speaker, "What Would James Madison Do?," Trinity School at Greenlawn, South Bend, Indiana. Notes supplied.

February 1, 2019: Judge, 2019 Bass Berry & Sims Moot Court Competition, Vanderbilt Law School, Nashville, Tennessee. I have no notes, transcript, or recording. I judged moot court. The address of Vanderbilt Law School is 131 21st Avenue South, Nashville, Tennessee 37203. Press report supplied.

November 29, 2018: Speaker, "On Civility," Yale Law School Federalist Society Winter Banquet, New Haven, Connecticut. Notes supplied.

November 15, 2018: Moderator, "The Future of the Past: Stare Decisis," 2018 Federalist Society National Lawyers Convention, Washington, D.C. Video available at https://www.youtube.com/watch?v=BdTn_eyO88g&feature=youtu.be.

November 7, 2018: Judge, Moot Court, Valparaiso Law School, Valparaiso, Indiana. I have no notes, transcript, or recording. I judged moot court. Valparaiso Law School is no longer in existence.

October 18, 2018: Speaker, "From John Jay to John Roberts: The Evolution of the Supreme Court," Hesburgh Lecture, Notre Dame Club of Savannah and the Catholic Lawyers Guild, Savannah, Georgia. Notes supplied.

October 13, 2018: Speaker, "The Obstacle in Your Path Is Your Path," Catholic Bar Association Red Mass Dinner, Dallas, Texas. Notes supplied.

October 9, 2018: Guest speaker, "Leadership and Social Change," Notre Dame University, Notre Dame, Indiana. I have no notes, transcript, or recording. I spoke to Professory Timothy Scully's class. The address of Notre Dame University is Notre Dame, Indiana 46556.

September 27, 2018: Speaker, "Word Limits – Why Textualism Constrains Judges," Stanford Law School Federalist Society, Palo Alto, California. Notes supplied.

September 12, 2018: Speaker, "What Would James Madison Do?," Notre Dame Club of St. Joseph Valley, Notre Dame, Indiana. Notes supplied.

August 29, 2018: Participant, Roundtable Discussion Session I, Ch. 1-4, Notre Dame

Constitutional Studies Program, Notre Dame, Indiana. I have no notes, transcript, or recording. We discussed "The Hollow Core of Constitutional Theory," a forthcoming book by Don Drakeman. The address of the Notre Dame Constitutional Studies Program is 2040 Nanovic Hall, Notre Dame, Indiana 46556.

August 27, 2018: Speaker, "A Primer on Textualism & Originalism," Notre Dame Law School Federalist Society, Notre Dame, Indiana. Notes and press report supplied.

August 15, 2018: Speaker, "Welcome to the Profession," Notre Dame Law School, Notre Dame, Indiana. I gave an address to incoming first-year law students. I have no notes, transcript, or recording. The address of the Notre Dame Law School is Eck Hall of Law, Notre Dame, Indiana 46556.

June 4, 2018: Speaker, "From John Jay to John Roberts: The Evolution of the Supreme Court," Hesburgh Lecture, Notre Dame Club of Greater Seattle, Seattle, Washington. Notes supplied in response to October 18, 2018, lecture.

June 1, 2018: Speaker, "From John Jay to John Roberts: The Evolution of the Supreme Court," Reunion 2018, Notre Dame University, Notre Dame, Indiana. Notes supplied in response to October 18, 2018, lecture.

May 19, 2018: Commencement Speaker, Notre Dame Law School, Notre Dame, Indiana. Notes supplied.

May 15, 2018: Panelist, Annual Roundtable Luncheon, Illinois Appellate Lawyers Association, Chicago, Illinois. I have no notes, transcript, or recording. Panelists addressed issues related to appellate practice. The address of the Illinois Appellate Lawyers Association is 1717 North Naper Boulevard, Suite 102, Naperville, Illinois 60563. Press report supplied.

April 21, 2018: Speaker, Homecoming Luncheon, St. Mary's Dominican High School, New Orleans, Louisiana. I have no notes, transcript, or recording. I offered brief remarks upon receipt of my high school alma mater's alumna of the year award. The address of St. Mary's Dominican High School is 7701 Walmsley Avenue, New Orleans, Louisiana 70125.

April 6, 2018: Panelist, Habeas Corpus in Wartime Symposium, University of California, Berkeley School of Law and California Law Review, Berkeley, California. I have no notes, transcript, or recording. Panelists discussed issues raised by Professor Amanda Tyler's new book, *Habeas Corpus in Wartime: From the Tower of London to Guantanamo Bay*. The address of University of California, Berkeley School of Law is Law Building, Suite 7200, Berkeley, California 94720.

March 19, 2018: Judge, Ames Moot Court Semi-Finals, Harvard Law School, Cambridge, Massachusetts. I have no notes, transcript, or recording. I judged moot court. The address of Harvard Law School is 1563 Massachusetts Avenue, Cambridge,

Massachusetts 02138.

March 17, 2018: Speaker, "From John Jay to John Roberts: The Evolution of the Supreme Court," Hillsdale College Federalist Society, Hillsdale, Michigan. Notes supplied in response to October 18, 2018, lecture.

March 12, 2018: Guest lecturer, "Colloquium: Public Law II," Northwestern University Pritzker School of Law, Chicago, Illinois. I have no notes, transcript, or recording. I spoke to a law school class conducted by Professors Jim Pfander and John McGinnis on my article *Congressional Insiders and Outsiders*, a copy of which is supplied in response to Question 12.a. The address of Northwestern University Pritzker School of Law is 375 East Chicago Avenue, Chicago, Illinois 60611.

March 10, 2018: Moderator, "Perfecting the Constitution – a Roundtable: Visions for the 28th Amendment," Federalist Society 2018 National Student Symposium, Washington, D.C. Video available at https://www.youtube.com/watch?v=KU4MxFn8UI4&feature=youtu.be.

March 6, 2018: Speaker, "Congressional Originalism," Columbia Law School Federalist Society, New York, New York. This presentation focused on topics raised by my article (with John Copeland Nagle), *Congressional Originalism*, 19 U. Penn. J. of Const. L. 1 (2017), a copy of which is supplied in response to Question 12.a.

February 23, 2018: Investiture Speaker, Notre Dame Law School, Notre Dame, Indiana. I gave remarks on the occasion of my investiture as a Judge on the U.S. Court of Appeals for the Seventh Circuit. Video supplied. Press report supplied.

February 15, 2018: Speaker, Book Celebration for Professor Randy Kozel, Notre Dame Law School, Notre Dame, Indiana. I have no notes, transcript, or recording. I spoke briefly to congratulate Professor Kozel on the publication his new book, *Settled Versus Right*. The address of Notre Dame Law School is Eck Hall of Law, Notre Dame, Indiana 46556.

November 19, 2017: Panelist, "Scalia Speaks: Reflections on Law, Faith, and Life Well Lived," 2017 Federalist Society National Lawyers Convention, Washington, D.C. Video available at https://www.youtube.com/watch?v=bD9jq9Tdge4.

October 10, 2017: Guest speaker, "Leadership and Social Change," Notre Dame University, Notre Dame, Indiana. I have no notes, transcript, or recording. I spoke to Professory Timothy Scully's class. The address of Notre Dame University is Notre Dame, Indiana 46556.

March 22, 2017: Presenter, "Justice Scalia & The Future of the Court," Indiana University Robert H. McKinney School of Law Federalist Society, Indianapolis, Indiana. I spoke about Justice Scalia's jurisprudence and its effect on the Court going forward. I

have no notes, transcript, or recording. The address of Indiana University Robert H. McKinney School of Law is 530 West New York Street, Indianapolis, Indiana 46202.

February 17, 2017: Commentator, "Continuity and Change in Public Law," Notre Dame Law School Program on Constitutional Structure and Design, London, United Kingdom. In this roundtable discussion, which included a small group of scholars from both the United States and United Kingdom, I commented on a paper written by a scholar from the United Kingdom about British constitutional law. I have no notes, transcript, or recording. The address of the Notre Dame Law School Program on Constitutional Structure and Design is Eck Hall of Law, Notre Dame Law School, Notre Dame, Indiana 46556. Press report supplied.

February 3, 2017: Panelist, "Originalism and *Stare Decisis*," Symposium on the Jurisprudence of Antonin Scalia, Notre Dame Law Review, Notre Dame, Indiana. Recording supplied.

January 13, 2017: Moderator, Young Legal Scholars Paper Presentations, American Association of Law Schools Annual Meeting, San Francisco, California. Video available at https://www.facebook.com/Federalist.Society/videos/10154274426943481.

November 7, 2016: Presenter, "Modern Originalism," Harvard Law School Federalist Society, Cambridge, Massachusetts. I spoke about the intellectual history of originalism. I have no notes, transcript, or recording. The address of the Harvard Law School Federalist Society is 103 Pound Hall, 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

November 3, 2016: Presenter, "Justice Scalia and the Future of the Court," Hesburgh Lecture, co-sponsored by the Jacksonville Notre Dame Club and Jacksonville University Public Policy Institute, Jacksonville, Florida. Press report supplied. Video available at https://www.youtube.com/watch?v=bD9jq9Tdge4.

October 25, 2016: Presenter, "Recent Developments in Evidence," Federal Judicial Center Seventh Circuit Workshop, Notre Dame, Indiana. I spoke about Federal Rule of Evidence 404(b), which generally prohibits the admission of character evidence. Notes supplied.

October 7, 2016: "Clerking for Justice Scalia," Notre Dame Law School, Notre Dame, Indiana. At this event, hosted during the Law School's Fall Reunion, a panel of three faculty members discussed the experience of clerking for Justice Scalia. I have no notes, transcript, or recording. The address of Notre Dame Law School is Eck Hall of Law, Notre Dame, Indiana 46556. Press report supplied.

August 30, 2016: Presenter, "The Jurisprudence of Justice Scalia," University of Michigan Law School Federalist Society, Ann Arbor, Michigan. I spoke about Justice Scalia's jurisprudence and its effect on the Court going forward. I have no notes,

transcript, or recording. The address of the University of Michigan Law School Federalist Society is 625 South State Street, Ann Arbor, Michigan 48109.

August 23, 2016: Presenter, "Introduction to Originalism and Textualism," Notre Dame Law School Federalist Society, Notre Dame, Indiana. I gave a general overview of these two theories. I have no notes, transcript, or recording. The address of the Notre Dame Law School Federalist Society is Eck Hall of Law, Notre Dame, Indiana 46556.

June 8, 2016: Presenter, "Construction and/or Interpretation," Blackstone Legal Fellowship Program, Alexandria, Virginia. Slides and handout supplied.

May 14, 2016: Diploma Ceremony Address, Notre Dame Law School, Notre Dame, Indiana. Copy supplied.

May 3, 2016: Presenter, "From John Jay to John Roberts: The Evolution of the Supreme Court," University of Notre Dame Alumni Association Hesburgh Lecture Series, Wilmington, Delaware. Slides and notes supplied.

April 11, 2016: Presenter, Women's Legal Forum, Notre Dame Law School, Notre Dame, Indiana. I spoke to students about challenges that women face in the workplace. I have no notes, transcript, or recording. The address of the Women's Legal Forum is Eck Hall of Law, Notre Dame, Indiana 46556.

March 17 – 18, 2016: Participant, "Countering the Majoritarian Difficulty, Symposium on Randy Barnett's Our Republican Constitution, University of Illinois College of Law, Champaign, Illinois. Comments published as *Countering the Majoritarian Difficulty*, 32 Const. Comment. 61 (2017), and supplied in response to Question 12.a. above.

March 2, 2016: Presenter, "Textualism and Its Discontents: A Discussion on Statutory Interpretation," Duke University School of Law Federalist Society, Durham, North Carolina. I described textualism and the primary criticisms of it. I have no notes, transcript, or recording. The address of the Duke University School of Law Federalist Society is 210 Science Drive, Box 90362, Durham, North Carolina 27708.

February 5, 2016: Presenter, "Congressional Originalism," Notre Dame Law School Program on Constitutional Structure and Design, London, United Kingdom. Paper published as *Congressional Originalism,* 19 U. Penn. J. of Const. L. 1 (2017) (with John Copeland Nagle), and supplied in response to Question 12.a. above.

November 3, 2015: Debater, "A Constitutional Interpretation Debate," Washington & Lee Law School Federalist Society, Lexington, Virginia. I debated Ian Milhiser about constitutional interpretation before a student audience. I have no notes, transcript, or recording. The address of the Washington & Lee Law School Federalist Society is 204 West Washington Street, Lexington, Virginia 24450.

October 20, 2015: Presenter, "Is the Filibuster Constitutional?" Indiana Law School

Federalist Society, Bloomington, Indiana. Slides supplied.

June 10, 2015: Presenter, "Construction and/or Interpretation," Blackstone Legal Fellowship Program, Phoenix, Arizona. Slides and handout supplied as slides and handout from June 8, 2016, event.

May 4, 2015: Panelist, *Statutory Interpretation Theory and Method*, Seventh Circuit Conference, Milwaukee, Wisconsin. I served on a panel discussing competing approaches to matters of statutory interpretation. I have no notes, transcript, or recording. The address of the Seventh Circuit Bar Association is 53 West Jackson Boulevard, Suite 1050, Chicago, Illinois 60604.

April 2, 2015: Presenter, "Congressional Constitutional Interpretation," Duke University School of Law, Statutory Interpretation Colloquium, Durham, North Carolina. I was a guest lecturer in a seminar on Statutory Interpretation Colloquium taught by Professors Guy-Uriel Charles and Margaret Lemos. I discussed circumstances in which Congress engages in constitutional interpretation. I have no notes, transcript, or recording. The address of the Duke University School of Law is 210 Science Drive, Durham, North Carolina 27708.

March 17, 2015: Presenter, "*King v. Burwell*," Tulane University Law School Federalist Society, New Orleans, Louisiana. I described a case then pending before the Supreme Court. I have no notes, transcript, or recording. The address of the Tulane University Law School Federalist Society is Weinmann Hall, 6329 Freret Street, New Orleans, Louisiana 70118.

February 6, 2015: Commentator, "Common Law in an Age of Regulation: U.S. and Commonwealth Perspectives," Notre Dame Law School Program on Constitutional Structure and Design, London, United Kingdom. In this roundtable discussion, which included a small group of scholars from both the United States and United Kingdom, I commented on a paper about tort law written by a scholar from the United Kingdom. I have no notes, transcript, or recording. The address of the Notre Dame Law School Program on Constitutional Structure and Design is Eck Hall of Law, Notre Dame Law School, Notre Dame, Indiana 46556. Press report supplied.

August 14, 2014: Panelist, "Statutory Interpretation," Federal Judicial Center Workshop for Bankruptcy Judges, Boston, Massachusetts. Slides supplied.

June 11, 2014: Presenter, "Construction and/or Interpretation," Blackstone Legal Fellowship Program, Phoenix, Arizona. Slides and handout supplied as slides and handout from June 8, 2016, event.

March 3, 2014: Commentator, "University of Notre Dame's Strategic Plan 2014," Notre Dame University, Notre Dame, Indiana. Recording available at https://www.youtube.com/watch?v=VzOzU6kNmDs.

February 24, 2014: Presenter, "A History of Originalism," Indiana University School of Law Federalist Society, Bloomington, Indiana. I spoke about the intellectual history of originalism. I have no notes, transcript, or recording. The address of the Indiana University School of Law Federalist Society is Baier Hall, 211 South Indiana Avenue, Bloomington, Indiana 47405.

December 9 – 10, 2013: Presenter, Center for Constitutional Studies of the Constitutional Court of Ecuador, Quito, Ecuador. As I recall, I gave two talks at the event. The first discussed some themes of United States constitutional law, and the second discussed precedent. Notes and press report supplied.

November 14, 2013: Presenter, "Suspension and Delegation," Brigham Young University, J. Reuben Clark Law School, Provo, Utah. Paper published as *Suspension and Delegation*, 99 Cornell L. Rev. 251 (2014), and supplied in response to Question 12.a. above.

November 1, 2013: Commenter, "The Conservative Revival of the Rehnquist and Roberts Courts," University of Notre Dame Law Review Constitutional Theory Symposium, Notre Dame, Indiana. I commented on papers presented by three other scholars. I have no notes, transcript, or recording. The address of the Notre Dame Law Review is Notre Dame Law Review, Eck Hall of Law, Notre Dame Law School, Notre Dame, Indiana 46556. Press report supplied.

September 23, 2013: Presenter, "Suspension and Delegation," University of Illinois College of Law, Champaign, Illinois. Paper published as *Suspension and Delegation*, 99 Cornell L. Rev. 251 (2014), and supplied in response to Question 12.a. above.

June 12, 2013: Presenter, "Construction and/or Interpretation," Blackstone Legal Fellowship Program, Phoenix, Arizona. Slides and handout supplied as slides and handout from June 8, 2016, event.

February 14 – 15, 2013: Presenter, "Stare Decisis and Jurisprudential Disagreement," University of Texas Law Review Constitutional Foundations Symposium, Austin, Texas. Paper published as *Precedent and Jurisprudential Disagreement*, 91 Tex. L. Rev. 1711 (2013), and supplied in response to Question 12.a. above.

January 18, 2013: Presenter, "Roe at 40: The Supreme Court, Abortion and the Culture War that Followed," Tocqueville Lecture, sponsored by the Minor in Constitutional Studies program within Notre Dame's Department of Political Science, University of Notre Dame, Notre Dame, Indiana. Notes and press report supplied.

November 16, 2012: Moderator, "Legislative Inaction and Gridlock," Notre Dame Journal on Legislation Symposium, Notre Dame, Indiana. I moderated a panel of other scholars discussing papers related to the symposium's topic. I have no notes, transcript, or recording. The address of the Notre Dame Journal on Legislation is Eck Hall of Law, Notre Dame, Indiana 46556.

November 8 or 9, 2012: Moderator, "Constitutional Structure as a Mechanism of Justice," Notre Dame Center for Ethics & Culture, Notre Dame, Indiana. I moderated a panel of other scholars discussing papers related to the panel's topic. I have no notes, transcript, or recording. The address of the Center is Notre Dame Center for Ethics & Culture, Notre Dame, Indiana 46556.

March 23, 2012: Commentator, "The Reconstruction Amendments," University of Notre Dame Law School Program on Constitutional Structure and Design, Notre Dame, Indiana. I commented on a paper written by another participant in this small, roundtable gathering of scholars. I have no notes, transcript, or recording. The address of the Notre Dame Law School Program on Constitutional Structure and Design is Eck Hall of Law, Notre Dame Law School, Notre Dame, Indiana 46556. Press report supplied.

February 21, 2012: Presenter, "Suspension and Delegation," Notre Dame Law School, Notre Dame, Indiana. Paper published as *Suspension and Delegation*, 99 Cornell L. Rev. 251 (2014), and supplied in response to Question 12.a. above.

June 8, 2011: Presenter, "Construction and/or Interpretation," Blackstone Legal Fellowship Program, Phoenix, Arizona. Slides and handout supplied as slides and handout from June 8, 2016, event.

June 11, 2011: Commencement Address, Trinity School, South Bend, Indiana. Copy supplied.

March 25, 2011: Participant, "Separation of Powers: Theory, Development, and Applications Conference," Notre Dame Program in Constitutional Structure and Design, Notre Dame, Indiana. As I recall, I participated in discussing the papers presented in this small, roundtable gathering of scholars, but I do not believe that I presented a paper or served as the commentator on someone else's paper. I have no notes, transcript, or recording. The address of the Notre Dame Law School Program on Constitutional Structure and Design is Eck Hall of Law, Notre Dame Law School, Notre Dame, Indiana 46556. Press report supplied.

January 9, 2010: Moderator, "Interpretation and Construction," American Association of Law Schools Annual Meeting, New Orleans, Louisiana. I have no notes, transcript, or recording from this occasion, on which I moderated a panel of other scholars discussing papers they had written about this topic before an audience of law faculty. I did, however, write an introduction to the collection papers once they were published, and this brief essay, *Introduction: The Interpretation/Construction Distinction in Constitutional Law*, 27 Const. Comment. 1 (2010), is supplied in response to Question 12.a. above.

October 16, 2009: Presenter, "Substantive Canons and Faithful Agency," American University, Washington College of Law, Washington, D.C. Paper published as *Substantive Canons and Faithful Agency*, 90 B.U. L. Rev. 109 (2010), and supplied in response to Question 12.a. above.

February 2009: Presenter, "Substantive Canons and Faithful Agency," St. Louis University School of Law, St. Louis, Missouri. I have not been able to identify the specific date of this presentation. Paper published as *Substantive Canons and Faithful Agency*, 90 B.U. L. Rev. 109 (2010), and supplied in response to Question 12.a. above.

February 2009: Presenter, "Substantive Canons and Faithful Agency," University of Notre Dame Law School, Notre Dame, Indiana. I have not been able to identify the specific date of this presentation. Paper published as *Substantive Canons and Faithful Agency*, 90 B.U. L. Rev. 109 (2010), and supplied in response to Question 12.a. above.

October 3, 2008: Presenter, "Stare Decisis in Constitutional Law," University of Minnesota Law School Conservative & Libertarian Legal Colloquium, Minneapolis, Minnesota. I have only a vague recollection of this event, but I believe I served on a panel of scholars discussing the role of precedent in constitutional interpretation. I have no notes, transcript, or recording. The address of the University of Minnesota Law School is Walter F. Mondale Hall, 229 19th Avenue South, Minneapolis, Minnesota 55455. Press report supplied.

May 2008: Presenter, "Statutory Interpretation," Seventh Circuit Conference, Chicago, Illinois. I discussed recurrent issues in statutory interpretation. I have not been able to identify the specific date of this presentation, and I have no notes, transcript, or recording. The address of the Seventh Circuit Bar Association is 53 West Jackson Boulevard, Suite 1050, Chicago, Illinois 60604.

November 2007: Presenter, "Procedural Common Law," University of Virginia School of Law, Charlottesville, Virginia. I have not been able to identify the specific date of this presentation. Paper published as *Procedural Common Law*, 94 Va. L. Rev. 813 (2008), and supplied in response to Question 12.a. above.

November 2007: Presenter, "Stare Decisis and Nonjudicial Actors," University of Notre Dame Law School, Notre Dame, Indiana. I have not been able to identify the specific date of this presentation. Paper published as *Introduction: Stare Decisis and Nonjudicial Actors*, 83 Notre Dame L. Rev. 1147 (2008), and supplied in response to Question 12.a. above.

March 2007: Moderator, "Stare Decisis and Nonjudicial Actors," Notre Dame Law Review Symposium, Notre Dame, Indiana. I have not been able to identify the specific date of this event, and I have no notes, transcript, or recording. The address of the Notre Dame Law Review is Notre Dame Law Review, Eck Hall of Law, Notre Dame Law School, Notre Dame, Indiana 46556. The introduction I later wrote for this Symposium was published as *Introduction: Stare Decisis and Nonjudicial Actors*, 83 Notre Dame L. Rev. 1147 (2008), and supplied in response to Question 12.a. above.

March 2007: Panelist, "The Jurisprudence of Antonin Scalia," Notre Dame Department of Political Science, Notre Dame, Indiana. I have only a vague recollection of this event,

but I believe that I discussed Justice Scalia's approach to interpreting statutes. I have not been able to identify the specific date of this panel, and I have no notes, transcript, or recording. The address of the Department is Notre Dame Department of Political Science, Notre Dame, Indiana 46556.

December 2006: Presenter, "Procedural Common Law," Notre Dame Law School, Notre Dame, Indiana. I have not been able to identify the specific date of this presentation. Paper published as *Procedural Common Law*, 94 Va. L. Rev. 813 (2008), and supplied in response to Question 12.a. above.

November 10, 2006: Panelist, "Catholicism and the Court: The Relevance of Faith Traditions to Jurisprudence," University of St. Thomas Law Journal, Minneapolis, Minnesota. I commented upon a paper written by Professor Edward A. Hartnett. I have no notes, transcript, or recording. The address of the University of St. Thomas Law Journal is University of St. Thomas School of Law, MSL 225, 1000 LaSalle Avenue, Minneapolis, Minnesota 55403.

September 29, 2006: Panelist, "Roundtable on Religion in the Public Square of the Legal Academy," Catholic University Columbus School of Law, Washington, D.C. I have only a vague recollection of this event, but I believe participants discussed whether religiously affiliated law schools can contribute something unique to the legal academy. I have no notes, transcript, or recording. The address of Catholic University Columbus School of Law is 36000 John McCormack Road, N.E., Washington, D.C. 20064.

May 21, 2006: Diploma Ceremony Address, Notre Dame Law School, Notre Dame, Indiana. Copy supplied.

April 2006: Commentator, "Race and Political Influence in America," Notre Dame Law School, Interdisciplinary Colloquium Series, Notre Dame, Indiana. I have no recollection of this event and thus cannot provide a summary. I have not been able to identify the specific date of this presentation, and I have no notes, transcript, or recording. The address of Notre Dame Law School is Eck Hall of Law, Notre Dame, Indiana 46556.

January 7, 2006: Moderator, "A Christian and Legal Response to Katrina: Race, Environment, and the Role of Government," The Law Professors' Christian Fellowship and Lumen Christi Institute Law and Culture Colloquium, Washington, D.C. I moderated a panel discussion and briefly shared my own experience of New Orleans, my hometown. I have no notes, transcript, or recording. The address of the Lumen Christi Institute is 1220 East 58th Street, Chicago, Illinois 60637.

October 27, 2005: Moderator, "Rebuilding New Orleans: An Interdisciplinary Discussion," Notre Dame Law School, Notre Dame, Indiana. I moderated a panel discussion and briefly shared my own experience of New Orleans, my hometown. I have no notes, transcript, or recording. The address of Notre Dame Law School is Eck Hall of Law, Notre Dame, Indiana 46556. Press report supplied.

September 20, 2005: Panelist, "Women, Families, and the Christian University," Notre Dame Center for Ethics and Culture Conference, Notre Dame, Indiana. I have only a vague recollection of this event, but I believe that panelists discussed the experience of being working mothers at Christian universities. I have no notes, transcript, or recording. The address of the Notre Dame Center for Ethics and Culture is 424 Geddes Hall, Notre Dame, Indiana 46556.

July 2005: Presenter, "The Supervisory Power of the Supreme Court," Notre Dame Law School, Notre Dame, Indiana. I have not been able to identify the specific date of this presentation. Paper published as *The Supervisory Power of the Supreme Court*, 106 Colum. L. Rev. 101 (2006), and supplied in response to Question 12.a. above.

April 2005: Presenter, "The Supervisory Power of the Supreme Court," University of Illinois College of Law, Champaign, Illinois. I have not been able to identify the specific date of this presentation. Paper published as *The Supervisory Power of the Supreme Court*, 106 Colum. L. Rev. 101 (2006), and supplied in response to Question 12.a. above.

Spring 2004: Presenter, "Recent Developments in Evidence," St. Joseph County Bar Association, South Bend, Indiana. This was a continuing legal education seminar for the local bar. I have not been able to identify the specific date of this presentation, and I have no notes, transcript, or recording. The address of the St. Joseph County Bar Association is 101 South Main Street, South Bend, Indiana 46601.

October 14, 2003: Presenter, "Evidence Update," Workshop for Judges of the Seventh Circuit, Lake Geneva, Wisconsin. I discussed recent developments in the law of evidence before an audience of judges from the Seventh Circuit. I have no notes, transcript, or recording. The address of the Federal Judicial Center is Thurgood Marshall Federal Judiciary Building, One Columbus Circle, N.E., Washington, D.C. 20002

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

The Advisory Opinion purports to interpret the Code of Conduct for United States Judges, which is binding on all federal Circuit Court judges (among others). Canon 4(H) of the Code of Conduct states in relevant part that "[a] judge may

accept compensation and reimbursement of expenses for the law-related and extradjudicial activities permitted by this Code if the source of the payments does not give the appearance of influencing the judge in the judge's judicial duties or otherwise give the appearance of impropriety." Please identify what steps you have taken to comply with the Code of Conduct for United States Judges in attending any such covered seminars since the promulgation of Advisory Opinion No. 116.

It has been my consistent practice, prior to and after the issuance of Advisory Opinion 116, to carefully scrutinize invitations to participate (either as an attendee or as a speaker) in events including, but not limited to, events covered by Advisory Opinion 116 and to ask questions where further information is needed. I do not participate in events where doing so would create an actual or potential conflict or appearance of impropriety.

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

To the best of my recollection and searches of publicly available databases by persons acting on my behalf, we have found the following such interviews.

On April 22, 2018 I was interviewed as part of "Notre Dame Day." I have been unable to locate a recording.

An Interview with Judge Amy Coney Barrett, Heritage Society SCOTUS 101, March 2, 2020. Audio available at https://www.youtube.com/watch?v=wGCkNqzFn4I

Amy Coney Barrett, Provost's Featured Faculty Page, Fall 2016. Copy supplied.

Lauren Love, *Professor Amy Coney Barrett Recognized at Notre Dame Football Game*, Notre Dame Law School, Sept. 30, 2016. Copy supplied.

Lauren Love, *Professor Amy Coney Barrett to Deliver Notre Dame Law School Commencement Address*, Notre Dame Law School, May 11, 2016. Copy supplied.

Tricia Sloma, *Notre Dame Day*, Univ. of Notre Dame, Apr. 25, 2016. Video available at https://www.youtube.com/watch?v=EJTRzB2pzmE.

Fight Over Vacant SCOTUS Scalia Seat Gets Ugly, CBS News, Feb. 15, 2016. Video available at https://www.cbsnews.com/video/fight-over-vacant-scotus-scalia-seat-gets-ugly/#x.

Shannon Roddel, *Notre Dame Faculty Mourn the Loss of U.S. Supreme Court Justice Antonin Scalia*, Univ. of Notre Dame, Feb. 15, 2016. Copy supplied.

Lauren Love, *Faculty Mourn the Loss of a Great U.S. Supreme Court Justice*, Notre Dame Law School, Feb. 13, 2016. Copy supplied.

SCOTUS Upholds State Health Care Subsidies, NPR On Point, WBUR, June 25, 2015. Audio available at https://www.wbur.org/onpoint/2015/06/25/scotus-obamacare-upheld-john-roberts-antonin-scalia.

Madeline Buckley, *Court Clears Way for Gay Marriage*, South Bend Trib., Oct. 7, 2014, at A1. Copy supplied.

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Ken Fowler, *Law Students Show Discontent*, Observer, Apr. 17, 2007. Copy supplied.

Justice Harriet Miers?, NPR On Point, WBUR (October 3, 2005). Audio available at https://www.wbur.org/onpoint/2005/10/03/justice-harriet-miers.

Eva Barkoff, *A Career in Law: Graduate Pulls Stints in D.C. as Law Clerk*, Times-Picayune, June 8, 1997, at 1D1. Copy supplied.

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

None.

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 was appointed a Circuit Judge for the United States Court of Appeals for the Seventh

Circuit on November 2, 2017. I was nominated by President Donald Trump on May 8, 2017, and confirmed by the United States Senate on October 31, 2017.

The United States Court of Appeals for the Seventh Circuit has jurisdiction as set forth principally at 28 U.S.C. §§ 1291 & 1292, as well as at various other sections of the United States Code.

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

Because I have not been a trial judge, I have not presided over any cases as a trial judge. As a Circuit Judge, I have participated in the disposition of approximately 922 cases.

Of these, approximately what percent were:

i. jury trials: N/A
bench trials: N/A

ii. civil proceedings: 82%
criminal proceedings 18%

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

A list of citations to opinions I have written is included at Appendix 13.b.

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

A list of all cases in which I was a panel member but did not write an opinion is included at Appendix 13.c.

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

1. *Kanter v. Barr*, 919 F.3d 437 (7th Cir. 2019) (Barrett, J., dissenting)

Rickey Kanter challenged the application of federal and state felon dispossession laws to prevent him—a nonviolent offender—from owning a firearm, arguing that these laws violated his Second Amendment rights. He had previously been convicted of mail fraud

for selling therapeutic shoe inserts while misrepresenting them as Medicare-approved. A panel of the Seventh Circuit held that the application of the statutes was substantially related to the important governmental objective of preventing gun violence. I dissented. Looking to the Founding-era history, I explained that legislatures have the power to prohibit dangerous people from possessing guns, but that power extends only to people who are dangerous, not to nonviolent felons like Mr. Kanter.

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2. *Yafai v. Pompeo*, 912 F.3 1018 (7th Cir. 2019), *rehearing en banc denied*, 924 F.3d 969 (7th Cir. 2019) (Barrett, J., respecting the denial of rehearing en banc)

A consular officer twice denied the visa application of Zahoor Ahmed, a citizen of Yemen, on the ground that she had sought to smuggle two children into the United States. Ahmed and her husband Moshin Yafai—a United States citizen—filed suit challenging the officer's decision. Writing for the majority, I explained that the consular officer's decision to reject the visa application was facially legitimate and bona fide, and the plaintiff had made no affirmative showing that the officer acted in bad faith. The doctrine of consular nonreviewability set forth in *Kleindienst v. Mandel*, 408 U.S. 753 (1972), accordingly barred judicial review of these claims. The Seventh Circuit denied a petition for rehearing en banc, and I wrote a statement explaining that the panel decision was required by Supreme Court precedent.

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3. *Cook County v. Wolf*, 962 F.3d 208 (7th Cir. 2020) (Barrett, J., dissenting)

A county and non-profit organization challenged a rule issued by the Department of Homeland Security to enforce the statutory bar on green cards for those who are likely to become a "public charge." The rule defined a "public charge" as any noncitizen (with some exceptions) who receives certain cash and noncash government benefits for more than 12 months in a 36 month period. The majority thought that this interpretation was unreasonable, and it affirmed a preliminary injunction of the rule, even though the Supreme Court had previously stayed that injunction. I dissented. In my view, the plaintiffs could not show that the term "public charge" refers narrowly to someone who is primarily and permanently dependent on government assistance. Instead, the term "public charge" is a capacious term, and the rule is a reasonable interpretation of the leeway that Congress gave the agency.

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4. *Doe v. Purdue Univ.*, 928 F.3d 652 (7th Cir. 2019)

John Doe sued his former university, alleging violations of due process and Title IX in its treatment of a complaint of sexual violence against him. According to John Doe, the University refused to provide him with any of the evidence against him and to allow him to introduce any evidence of his own; denied him the opportunity to cross-examine his accuser; found his accuser credible without talking to her in person; and was blatantly biased against him. The University's findings led to his suspension from the University

and his expulsion from the Navy ROTC program. Writing for the panel, I concluded that John Doe had a protected liberty interest in his freedom to pursue naval service, had adequately alleged that the University used fundamentally unfair procedures in determining his guilt, and had adequately alleged sex bias in his particular case.

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5. *Rainsberger v. Benner*, 913 F.3d 640 (7th Cir. 2019)

William Rainsberger was charged with murdering his elderly mother and imprisoned for two months before the charges against him were dropped. He sued the detective who had built the case, alleging that the detective had knowingly or recklessly made false statements in the probable cause affidavit. Because it is clearly established that it violates the Fourth Amendment to use deliberately falsified allegations to demonstrate probable cause, I concluded on behalf of a unanimous panel that the detective was not entitled to qualified immunity.

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6. *Grussgott v. Milwaukee Jewish Day Sch.*, 882 F.3d 655 (7th Cir. 2018)

Miriam Grussgot, a Hebrew teacher, sued the Jewish Day School at which she once worked for allegedly violating the Americans with Disabilities Act. We concluded that the suit was barred by the ministerial exception protected by the First Amendment. Applying the Supreme Court's decision in *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171 (2012), we explained that Ms. Grussgot's integral role in teaching her students about Judaism and the school's motivation in hiring her demonstrated that her role furthered the school's religious mission. We declined to treat the factors identified in *Hosanna-Tabor* as a rigid formula, looking instead to the totality of the circumstances. The Supreme Court later vindicated our approach in *Our Lady of Guadaloupe School v. Morrissey-Berru*, 140 S. Ct. 2049 (2020).

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7. *Wallace v. Grubhub Holdings, Inc.*, 970 F.3d 798 (7th Cir. 2020)

This appeal required us to decide whether food delivery drivers for Grubhub are exempt from the Federal Arbitration Act as "any other class of workers engaged in foreign or interstate commerce." Drivers who worked for Grubhub in cities including Chicago, Portland, and New York had sued, alleging, among other things, that Grubhub violated the Fair Labor Standards Act by failing to pay them overtime. But these drivers had each signed an agreement to submit to arbitration any and all claims arising out of their relationship to Grubhub. The Federal Arbitration Act required enforcement of those agreements unless they fell within the exemption for "contracts of seamen, railroad employees, or any other class of workers engaged in foreign or interstate commerce." Writing for a unanimous panel, I explained that the residual clause of that exemption applies only to transportation workers who are actually engaged in the movement of goods in interstate commerce. Plaintiffs had not even tried to demonstrate that the interstate movement of goods was a central part of the job description of the class of workers to which they belong, and accordingly their contracts with Grubhub were not exempt from the Federal Arbitration Act.

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8. *A.F. Moore & Associates, Inc. v. Pappas*, 948 F.3d 889 (7th Cir. 2020)

The Equal Protection Clause entitles owners of similarly situated property to roughly equal tax treatment. A group of taxpayers asserted that the tax assessor for Cook County violated that guarantee by offering a break to owners of similarly situated property, but not to them. The taxpayers had pursued a refund in Illinois court for more than a decade before they eventually came to federal court seeking to vindicate their federal constitutional claims. Writing for the unanimous panel, I explained that the Tax Injunction Act did not bar the suit because the taxpayers had no remedy at all for their claims in state court—let alone, a "plain, speedy and efficient" one.

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9. *Casillas v. Madison Ave. Assocs., Inc.*, 926 F.3d 329 (7th Cir. 2019)

Paula Casillas filed a class action against a debt collection company because they sent her a debt-collection letter that described the process that the Fair Debt Collection Practices Act provides for verifying a debt but did not, as required by the Act, specify that she had to communicate in writing to trigger that process. The only harm that Casillas claimed to have suffered, however, was the receipt of an incomplete letter. I explained that this claim of a bare procedural violation, divorced from any concrete harm, was not sufficient to satisfy Article III's standing requirements.

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10. *EEOC v. Costco Wholesale Corp.*, 903 F.3d 618 (7th Cir. 2018)

Dawn Suppo, an employee of Costco Wholesale Corporation, was stalked by Thad Thomspon, a customer of Costco, for over a year. Traumatized by the experience, she took an unpaid medical leave, and when she did not return to work, Costco terminated her employment. The Equal Employment Opportunity Commission sued Costco on Suppo's behalf, alleging that Costco had subjected her to a hostile work environment by tolerating Thompson's harassment. Writing for the unanimous panel, we held that a reasonable jury could conclude that Thompson's conduct was severe or pervasive enough to render Suppo's work environment hostile. And although we agreed with the district court that Suppo could not recover backpay for the period of time after Costco fired her, we instructed the district court to consider whether she was entitled to backpay for some

or all of her time on unpaid medical leave.

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e. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published (if not available on Westlaw); and (3) the names and contact information for counsel of record.

In addition to the nine opinions authored by me discussed in 12(d), I would include the following case on my list of the 10 most significant opinions I have written:

Schmidt v. Foster, 891 F.3d 302 (7th Cir. 2018), *reversed on rehearing en banc in* 911 F.3d 469 (7th Cir. 2018) (en banc)

A Wisconsin jury convicted Scott Schmidt of first-degree intentional homicide for the murder of his wife. Before his trial, the judge conducted an *ex parte*, *in camera* hearing during which he questioned Schmidt directly, rather than through his counsel, and ruled that Schmidt could not present his intended defense of "adequate provocation" at trial. The Wisconsin Court of Appeals affirmed his conviction and concluded that this hearing did not violate Schmidt's Sixth Amendment rights. Schmidt collaterally attacked his conviction in federal court, and the panel majority granted the writ of habeas corpus. I dissented because the statute governing collateral review of state criminal convictions prevents courts from granting a writ of habeas corpus unless the state court's decision was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court. No Supreme Court precedent addressed the

question whether a defendant has the right to counsel when testifying before a judge in a nonadversarial proceeding, and the majority gave too little deference to the decision of the Wisconsin Court of Appeals. The Seventh Circuit agreed to hear the case en banc and concluded, as I had, that Schmidt was not entitled to a writ of habeas corpus.

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

A list of all cases in which I participated where certiorari to the Supreme Court of the United States or other relief was requested or granted is included at Appendix 13.f.

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

None.

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

All opinions I have issued are available in the court records maintained by the Clerk of Court for the United States Court of Appeals for the Seventh Circuit. These opinions are generally available through PACER.

Based on a review conducted by others on my behalf, as of September 28, 2020, I am the author of 92 opinions (including concurrences and dissents) in my own name. All but two of these opinions (>99%), as explained in Appendix 13.b, are available through Westlaw, Lexis, or the Seventh Circuit of Appeals' publicly available database.

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

Beyond the cases described in Questions 13.d. and 13.e. above, I have authored the following significant constitutional opinions.

Protect Our Parks, Inc. v. Chicago Park Dist., 971 F.3d 722 (7th Cir. 2020)
Pittman by and through Hamilton v. County of Madison, 970 F.3d 823 (7th Cir. 2020)
Estate of Biegert by Beigert v. Molitor, 968 F.3d 693 (7th Cir. 2020)
J.S.T. Corp. v. FoxConn Interconnect Tech. Ltd., 965 F.3d 571 (7th Cir. 2020)
United States v. Wilson, 963 F.3d 701 (7th Cir. 2020) (Barrett, J., concurring)
Gadelhak v. AT&T Servs., Inc., 950 F.3d 458 (7th Cir. 2020)
Lett v. City of Chicago, 946 F.3d 398 (7th Cir. 2020)
Lexington Ins. Co. v. Hotai Ins. Co., 938 F.3d 874 (7th Cir. 2019)
McCottrell v. White, 933 F.3d 651 (7th Cir. 2019)
Torry v. City of Chicago, 932 F.3d 579 (7th Cir. 2019)
Carello v. Aurora Policemen Credit Union, 930 F.3d 830 (7th Cir. 2019)
Acevedo v. Cook County Officers Electoral Bd., 925 F.3d 944 (7th Cir. 2019)
United States v. Terry, 915 F.3d 1141 (7th Cir. 2019)
United States v. Vaccaro, 915 F.3d 431 (7th Cir. 2019)
Sims v. Hyatte, 914 F.3d 1078 (7th Cir. 2019) (Barrett, J., dissenting)
United States v. King, 910 F.3d 320 (7th Cir. 2018)
United States v. Kienast, 907 F.3d 522 (7th Cir. 2018)
Cleven v. Soglin, 903 F.3d 614 (7th Cir. 2018)
Beley v. City of Chicago, 901 F.3d 823 (7th Cir. 2018)
United States v. Watson, 900 F.3d 892 (7th Cir. 2018)

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

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

14. **Recusal:** Identify the basis by which as a judge you have assessed the necessity or

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

a. Identify each such case, and for each provide the following information:

i. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

ii. a brief description of the asserted conflict of interest or other ground for recusal;

iii. the procedure you followed in determining whether or not to recuse yourself;

iv. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

The Seventh Circuit employs an "automatic" recusal system to help identify potential conflicts for the judges. Each judge maintains a recusal list, and a computer program flags potential conflicts against that list. I have produced my current recusal list as Appendix 14. The Circuit Executive reviews and notes potential conflicts against this list as he creates the list of cases scheduled for oral argument. My assistant cross checks the cases against my potential conflict list to ensure that I am not assigned to oral argument on any case for which there is a conflict. To the best of my knowledge, there has been only one occasion on which my assistant identified a potential conflict in a case to which I had been assigned. That case was *United States v. Orr*, No. 19-1938 (7th Cir.), and I recused because Notre Dame students were presenting oral argument.

To the best of my recollection and the records provided me by the Seventh Circuit, I was asked to recuse in the following cases:

Klein v. O'Brien, No. 17-2802 (7th Cir.). Plaintiffs-Appellants moved for the recusal of Judges Easterbrook, Wood, and myself, based on alleged mistakes in the panel opinion authored by Judge Easterbrook. Each judge voted to deny the motion. The Supreme Court has explained, "[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion. . . . [T]hey cannot possibly show reliance upon an extrajudicial source; and can only in the rarest circumstances evidence the degree of favoritism or antagonism required . . . when no extrajudicial source is involved." *Liteky v. United States*, 510 U.S. 540, 555 (1994). I did not find the recusal standard met in these circumstances.

Cooke v. Jackson Nat'l Life Ins., No. 18-3527 (7th Cir.). Plaintiff-Appellee moved for the recusal of Judges Easterbrook, Stadtmueller, and myself based on our participation as the previous appellate panel in the case, which Plaintiff-Appellee contended demonstrated favoritism toward the defendant. Once again, each judge voted to deny the motion, finding the recusal standard not met. *See Liteky*, 510 U.S. at 555.

In addition to these cases, *pro se* litigant Roger (or Raj) Shekar has filed motions for the recusal of Judges Easterbrook, Sykes, and myself in three cases: *Teledyne Techs. Inc. v. Shekar*, 17-2171 (7th Cir.); *Shekar v. Ocwen Loan Servicing, LLC*, 19-1122 (7th Cir.); and *Shekar v. Ocwen Loan Servicing, LLC*, 19-1277 (7th Cir.). In an order issued June 10, 2019, the Seventh Circuit described these motions as "baseless requests" and sanctioned Mr. Shekar $500 for filing "repetitive frivolous motions." *See Teledyne Techs. Inc. v. Shekar*, 17-2171 (7th Cir. June 19, 2019). His wife, Monica Shekar, filed two similar motions to recuse Judge Easterbrook, Sykes, and myself in *Shekar v. Ocwen Loan Servicing LLC*, No. 20-1429 (7th Cir. 2020).

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

If confirmed, I will continue my present practice of using a recusal list to identify and avoid potential conflicts. This includes, but is not limited to, cases where Jesse Barrett, my husband and a practicing attorney, or Amanda Coney Williams, my sister and a practicing attorney, participated in any stage of the proceedings. This list also includes cases where Notre Dame University or affiliated entities (including, but not limited to, Notre Dame Law School) were a party. Finally, I would also recuse myself from matters in which I participated while a judge on the court of appeals.

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.

None.

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party, election committee, or President-elect transition team. If you have ever held a position or played a role in a political campaign, including the 2000 presidential campaign and Florida recount, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities. Please supply four (4) copies of any memoranda analyzing issues of law or public policy that you wrote on behalf of or in connection with a President-elect

transition team.

None.

c. List all political events for which you were on the host committee, including the date, location, which candidate or organization it benefitted, and how much was raised at the event.

None.

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

a. Describe in reverse chronological order your law practice and legal experience after graduation from law school including:

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

From 1998 to 1999, I served as a law clerk to the Honorable Antonin Scalia, Associate Justice of the Supreme Court of the United States.

From 1997 to 1998, I served as a law clerk to the Honorable Laurence H. Silberman, Circuit Judge of the United States Court of Appeals for the District of Columbia Circuit.

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

I have never practiced 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.

2002 – present
Notre Dame Law School
3165 Eck Hall of Law
Notre Dame, Indiana 46556
Professor of Law (2002 – 2017)
Adjunct (2017 – present)

October 16 – November 1, 2007
University of Virginia School of Law
580 Massie Road
Charlottesville, Virginia 22903
Visiting Associate Professor of Law

2001 – 2002
George Washington University Law School
2000 H Street, N.W.
Washington, D.C. 20052
John M. Olin Fellow in Law
Adjunct Faculty Member (Spring 2001)

2001
Baker Botts L.L.P.
700 K Street, N.W.
Washington, D.C. 20001
Associate

1999 – 2000
Miller, Cassidy, Larroca & Lewin L.L.P.
(Miller, Cassidy merged with Baker Botts L.L.P. on January 1, 2001)
700 K Street, N.W.
Washington, D.C. 20001
Associate

Summer 1997
Covington & Burling LLP
One CityCenter
850 10th Street, N.W.
Washington, D.C. 20001
Summer Associate

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

I have 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.

As a law clerk from 1997 to 1999, I helped prepare my judges for oral argument and assisted them in drafting opinions. At the Supreme Court, I also reviewed petitions for certiorari and provided written advice to the full Court about whether petitions should be granted.

Upon the conclusion of my clerkships, I was a litigator for approximately two years. My practice was general. I worked on cases in both trial and appellate courts, and while the bulk of my practice was civil, I did work on one criminal

appeal. I wrote briefs, motions, and research memoranda. I conducted depositions and second-chaired a jury trial.

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

Miller Cassidy (subsequently part of Baker Botts) had a mix of individual and corporate clients, and the cases on which I worked had that same mix.

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.

My practice consisted almost entirely of litigation. I prepared motions and briefs, and I appeared in court occasionally in support of them.

i. Indicate the percentage of your practice in:

1.	federal courts:	90% (approximate)
2.	state courts of record:	10% (approximate)
3.	other courts:	0%
4.	administrative agencies:	0%

ii. Indicate the percentage of your practice in:

civil proceedings:	90% (approximate)
criminal proceedings:	10% (approximate)

d. List, by case name, all cases in courts of record, including cases before administrative law judges, you tried or litigated to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel. For each such case, include the docket number and provide any opinions and filings available to you.

I served as associate counsel on behalf of Tassi Drywall Construction Co., Inc. in *Tassi Drywall Construction Co., Inc. v. Turner Jones & Associates, P.C.*, No. L190384 (Va. Cir. Ct.). The case was tried to a verdict in favor of my client by a jury. There were no opinions issued by the court and I have no filings from the case.

i. What percentage of these trials were:

jury:	100%
non-jury:	0%

Not applicable.

e. Describe your practice, if any, before the Supreme Court of the United States, the highest court of any state, or any state or federal courts of appeals. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice. Give a detailed summary of the substance of each case, outlining briefly the factual and legal issues involved, the party or parties whom you represented, the nature of your participation in the litigation, and the final disposition of the case. Also provide the individual names, addresses, and telephone numbers of co-counsel of record and principal counsel of record for each of the other parties.

I have not practiced before the Supreme Court.

Although I worked on many litigation matters during my time as an associate at Miller Cassidy and then Baker Botts, I no longer have records of the matters upon which I worked. Based upon my recollection and searches of publicly available records conducted by others on my behalf, I have identified the following cases in federal courts of appeals where I served as counsel.

1. *United States v. Berger*, 224 F. 3d 107 (2d. Cir. 2000)

From 1999 to 2000, I represented two criminal defendants convicted of crimes arising from a conspiracy to defraud several federal agencies. The defendants appealed their convictions and sentences on numerous grounds, including the sufficiency of the jury instructions, the sufficiency of the evidence, whether a peremptory strike violated *Batson*, and the legality of a sentencing enhancement. Nathan Lewin was counsel of record, and I assisted him with the briefs. The Second Circuit (Judges Cardamone, Miner, and Walker) affirmed the convictions.

Co-counsel for Defendant-Appellants

Nathan Lewin
Then with Miller, Cassidy, Larroca & Lewin, L.L.P.
Lewin & Lewin L.L.P.
888 17th Street, N.W., 4th Floor
Washington, D.C. 20006
(202) 828-1000

Counsel for the United States

Deborah E. Landis
Then with the United States Attorney's Office for the Southern District of New York
New York City Commission to Combat Police Corruption
17 Battery Place, Suite 327
New York, New York 10004
(212) 806-5370

2. *Nat'l Council of Resistance of Iran v. Dep't of State*, 251 F.3d 192 (D.C. Cir. 2001)

From 2000 to 2001, I represented the National Council of Resistance of Iran and National Council of Resistance of Iran, U.S. Representative Office, in a petition for review of their designation as "foreign terrorist organization[s]" under the Anti-Terrorism and Effective Death Penalty Act of 1996. The Council contended that the designation violated due process and that the Secretary of State lacked statutory authority to make it. The D.C. Circuit (Judges Sentelle, Henderson, and Edwards) agreed with the due process claim and remanded to the Secretary for further proceedings consistent with its opinion. Martin D. Minsker was counsel of record for my clients, and I assisted with legal research and briefing.

Co-counsel for National Council of Resistance of Iran

Martin D. Minsker
Then at Miller, Cassidy, Larroca & Lewin, L.L.P
Retired

Scott L. Nelson
Then at Miller, Cassidy, Larroca & Lewin, L.L.P.
Public Citizen
1600 20th Street, N.W.
Washington, D.C. 20009
(202) 588-1000

Ellen Fels Berkman
Then at Miller, Cassidy, Larroca & Lewin, L.L.P.
Office of the General Counsel
Harvard University
Smith Campus Center, Suite 980
1350 Massachusetts Avenue
Cambridge, Massachusetts 02138
(617) 495-1280

Jody Manier Kris
Then at Miller, Cassidy, Larroca & Lewin, L.L.P.
Mercer Island Youth & Family Services Foundation
2040 84th Avenue, S.E.
Mercer Island, Washington 98040
(301) 442-0953

Counsel for co-petitioner People's Mojahedin Organization of Iran

Jacob A. Stein
Deceased

Counsel for the United States

Douglas N. Letter
Then at the U.S. Department of Justice
Office of General Counsel
U.S. House of Representatives
219 Cannon House Office Building
Washington, D.C. 20515
(202) 225-9700

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.

Although I worked on many litigation matters during my time as an associate at Miller Cassidy and then Baker Botts, I no longer have records of the matters upon which I worked. Based upon my recollection and searches of publicly available records conducted by others on my behalf, I have identified the following significant litigated matters that I personally handled:

1. *United States v. Berger*, 224 F. 3d 107 (2d. Cir. 2000)

From 1999 to 2000, I represented two criminal defendants convicted of crimes arising from a conspiracy to defraud several federal agencies. The defendants appealed their convictions and sentences on numerous grounds, including the sufficiency of the jury instructions, the sufficiency of the evidence, whether a peremptory strike violated *Batson*, and the legality of a sentencing enhancement. Nathan Lewin was counsel of record, and I assisted him with the briefs. The Second Circuit (Judges Cardamone, Miner, and Walker) affirmed the convictions.

Co-counsel for Defendant-Appellants

Nathan Lewin
Then with Miller, Cassidy, Larroca & Lewin, L.L.P.
Lewin & Lewin L.L.P.
888 17th Street, N.W., 4th Floor

Washington, D.C. 20006
(202) 828-1000

Counsel for the United States

Deborah E. Landis
Then with the United States Attorney's Office for the Southern District of New York
New York City Commission to Combat Police Corruption
17 Battery Place, Suite 327
New York, New York 10004
(212) 806-5370

2. *Nat'l Council of Resistance of Iran v. Dep't of State*, 251 F.3d 192 (D.C. Cir. 2001)

From 2000 to 2001, I represented the National Council of Resistance of Iran and National Council of Resistance of Iran, U.S. Representative Office, in a petition for review of their designation as "foreign terrorist organization[s]" under the Anti-Terrorism and Effective Death Penalty Act of 1996. The Council contended that the designation violated due process and that the Secretary of State lacked statutory authority to make it. The D.C. Circuit (Judges Sentelle, Henderson, and Edwards) agreed with the due process claim and remanded to the Secretary for further proceedings consistent with its opinion. Martin D. Minsker was counsel of record for my clients, and I assisted with legal research and briefing.

Co-counsel for National Council of Resistance of Iran

Martin D. Minsker
Then at Miller, Cassidy, Larroca & Lewin, L.L.P
Retired

Scott L. Nelson
Then at Miller, Cassidy, Larroca & Lewin, L.L.P.
Public Citizen
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Ellen Fels Berkman
Then at Miller, Cassidy, Larroca & Lewin, L.L.P.
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Jody Manier Kris

Then at Miller, Cassidy, Larroca & Lewin, L.L.P.
Mercer Island Youth & Family Services Foundation
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Mercer Island, Washington 98040
(301) 442-0953

Counsel for co-petitioner People's Mojahedin Organization of Iran

Jacob A. Stein
Deceased

Counsel for the United States

Douglas N. Letter
Then at the U.S. Department of Justice
Office of General Counsel
U.S. House of Representatives
219 Cannon House Office Building
Washington, D.C. 20515
(202) 225-9700

3. *Tassi Drywall Constr. Co., Inc. v. Turner Jones & Assocs., P.C.*, No. L190384 (Va. Cir. Ct.)

I second-chaired a civil trial in the Circuit Court of Fairfax County, Virginia, involving an accounting malpractice claim. My client, Tassi Drywall Construction Co., Inc., obtained a jury verdict of the entire amount it sought, and Judge Marcus D. Williams entered the judgment in its favor. The case did not generate any opinions.

Co-counsel for Tassi Drywall Construction Co., Inc.
Michael J. Barta
Then at Miller, Cassidy, Larroca & Lewin L.L.P.
1900 K Street, N.W., 12th Floor
Washington, D.C. 20006
(202) 261-3354

Counsel for Turner Jones & Associates, P.C.
Ralph Boccarosse, Jr.
Deceased

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

The bulk of my work as an associate involved drafting briefs, drafting motions, and providing research for partners on a broad range of cases handled by the firm. I also took depositions and conducted other pretrial discovery.

One significant case on which I provided research and briefing assistance was *Bush v. Gore*. Baker Botts, L.L.P. represented George W. Bush, and I worked on the case on location in Florida for about a week at the outset of the litigation. I worked with Stuart Levey, a partner at the firm, while the case was in Florida courts. I did not continue working on the case after my return to Washington.

While I was a full-time law professor, my primary legal activities were teaching law students and researching and writing about the law. My scholarship focused primarily on constitutional interpretation, statutory interpretation, and the power conferred upon federal courts by Article III.

I also continued to be involved in the larger legal community through my service on the Advisory Committee for the Federal Rules of Appellate Procedure from 2010 to 2016. This committee, comprised of federal judges, prominent appellate advocates, a state supreme court justice, and a law professor expert in the field, considered proposals to amend the Federal Rules of Appellate Procedure. When the committee determined that an amendment was needed, it was responsible for drafting the language and the accompanying note after soliciting comments from the bar.

As described above in my answer to 12.d., I also regularly participated as an instructor in programs sponsored by the Federal Judicial Center and by bar associations.

19. **Teaching**: What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course compensation received for courses taught since confirmation to the Seventh Circuit, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus for each year or term the course was taught, provide four (4) copies to the committee

Notre Dame Law School

For classes I have taught at Notre Dame Law School, I regularly reused or updated existing syllabi without retaining copies of older versions. I have provided copies of the syllabi for which I continue to have records.

Civil Procedure (spring 2003, fall 2003, spring 2005, spring 2006, spring 2007, fall 2009, spring 2011, spring 2013, fall 2013, fall 2016). This course covered the constitutional provisions, statutes, and federal rules that govern procedure in a civil suit. Major topics included personal jurisdiction, subject matter jurisdiction, pleading, discovery, joinder, and preclusion.

Constitutional Law (spring 2014, spring 2015, spring 2016). This course covered the powers the Constitution confers on the federal executive, legislative, and judicial branches. Major topics

included judicial review, the commerce power, the spending power, the president's power over domestic affairs, and § 5 of the 14th Amendment.

Evidence (fall 2002, spring 2005, spring 2006, spring 2008, fall 2008, fall 2011, fall 2012, fall 2014, fall 2015). This course covered the body of law determining whether evidence is admissible in a federal trial. Topics included relevance, prejudice, the character rules, hearsay, experts, authentication, and privilege.

Federal Courts (spring 2008, fall 2008, spring 2010, spring 2017). This course covered the role of federal courts in the constitutional system of the United States. Topics included the justiciability doctrines, congressional regulation of federal jurisdiction, federal common law, sovereign immunity, and habeas corpus.

Modern Constitutional Theory Seminar (spring 2013, spring 2019, spring 2020). This course covered several recurrent themes in debates about constitutional law. Topics included originalism, evolutionary theories, justifications for judicial review, judicial supremacy, judicial minimalism, and precedent.

Statutory Interpretation Seminar (fall 2004, fall 2005, spring 2007, fall 2007, spring 2010, spring 2011, fall 2013, fall 2014, fall 2015, spring 2017, fall 2018, fall 2019, fall 2020). This course covered several recurrent themes in debates about statutory interpretation. Topics included purposivism, textualism, legislative supremacy, legislative history, the canons, and *Chevron* deference. Syllabus provided.

George Washington University Law School
Constitutional Law and the Supreme Court (spring 2001). John Elwood and I co-taught this seminar as adjunct faculty members while we were both in practice at Baker Botts L.L.P. As I recall, the course focused on recently decided cases in the Supreme Court. I have been unable to locate the syllabus for this course.

University of Virginia School of Law
Statutory Interpretation Compressed Seminar (October 16 to November 1, 2007). This course was a shortened version of my standard statutory interpretation seminar, which is described above. Syllabus provided.

My compensation from teaching during my time as a judge is as follows:

2017 $3,787
2018 $28,050*
2019 $27,825
2020 $19,908

*As explained in my 2018 Financial Disclosure report, my 2018 outside earned income was $214.45 over the statutory limit. The overage occurred because of my participation in the University of Notre Dame's continuing education program for alumni. I delivered three lectures that I thought were uncompensated. When I discovered that I had been paid (by direct deposit)

and that the amount caused me to exceed the limit, I returned the excess $214.45 to the University of Notre Dame. Thus, my earned income was reported as $28,264.45, but my net compensation was $28,050.

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

None.

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

If confirmed, I hope that I will be able to continue to teach in some capacity. I have no commitments or agreements to do so, and no other plans for outside activities.

22. **Sources of Income**: List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding $500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and supply a copy to this Committee.

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

Please see the attached Statement of Net Worth.

24. **Potential Conflicts of Interest**:

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

If confirmed, I will continue my present practice of using a recusal list to identify and avoid potential conflicts as described in response to Question 14. This list includes, but is not limited to, cases where Jesse Barrett, my husband and a practicing attorney, or Amanda Coney Williams, my sister and a practicing attorney, participated in any stage of the proceedings. This list also includes cases where Notre Dame University or affiliated

entities (including, but not limited to, Notre Dame Law School) were a party. Finally, I would also recuse myself from matters in which I participated while a judge on the court of appeals.

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

If confirmed, I would resolve any conflict of interest by looking to the Code of Conduct for United States Judges (although it is not formally binding on members of the Supreme Court of the United States); the Ethics Reform Act of 1989, 28 U.S.C. § 455; and any other relevant prescriptions. I would also seek guidance from judicial ethics officials to structure my limited financial investments to minimize the potential for conflicts.

25. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional work load, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

My present position as a federal judge does not permit me to undertake traditional pro bono legal work.

Service is a priority for my family. We regularly participate in food and clothing drives for a shelter for homeless veterans, a day center for struggling women, and our parish's sister school in Haiti. We always participate in Angel Tree drives, and we have served at a local soup kitchen. In my capacity as a professor, I make it a priority to help students in need, students with disabilities, and first-generation law students find their home at Notre Dame.

It is my recollection that while at Miller, Cassidy, Larocca & Lewin L.L.P., and Baker Botts L.L.P., I participated in pro bono worked handled by these firms. I ceased all practice of law once I began teaching. I did, however, engage in work to improve the legal system, service recognized as important by the American Bar Association's Model Rule 6.1(b)(3). Most notably, I donated my time to service on the Advisory Committee for the Federal Rules of Appellate Procedure and to teaching in programs for judges sponsored by the Federal Judicial Center.

26. **Selection Process**:

a. Describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and any interviews in which you participated). List all interviews or communications you had with anyone in the Executive Office of the President, Justice Department, President-elect transition team, or presidential campaign. Additionally, list all interviews or communications you or an individual known to you to be acting on your behalf had regarding your nomination or your potential nomination by the current President with outside organizations or

individuals at the behest of anyone in the Executive Office of the President, Justice Department, President-elect transition team, or presidential campaign. List all persons present, participating, or otherwise involved in such interviews or communications. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On Saturday, September 19, 2020, Counsel to the President Pat Cipollone and Chief of Staff Mark Meadows called me about the vacancy. On Sunday, September 20, 2020, I spoke to Mr. Cipollone and Chief of Staff Meadows again, who invited me to come to Washington, and President Trump later called to confirm the invitation. I had meetings with President Trump, Vice President Pence, Mr. Cipollone, and Chief of Staff Meadows in Washington on Monday, September 21, 2020. The President offered me the nomination on that day, and I accepted, subject to finalizing the vetting process. I have also been in regular contact with members of the White House Counsel's Office and the Department of Justice.

b. Has anyone involved in the process of selecting you for this nomination (including, but not limited to anyone in the Executive Office of the President, the Justice Department, the President-elect transition team, presidential campaign, or the Senate and its staff) ever discussed with you any currently pending or specific case, legal issue, or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully. Identify each communication you had prior to the announcement of your nomination with anyone in the Executive Office of the President, the Justice Department, the President-elect transition team or presidential campaign, outside organization or individual (at the behest of anyone working in the Executive Office of the President, the Justice Department, President-elect transition, or presidential campaign), or the Senate or its staff referring or relating to your views on any case, issue, or subject that could come before the Supreme Court of the United States, state who was present or participated in such communication, and describe briefly what transpired.

No.

c. Did you make any representations to any individuals or organizations as to how you might rule as a Justice, if confirmed? If you know of any such representations made by the White House or individuals acting on behalf of the White House, please describe them, and if any materials memorializing those communications are available to you, please provide four (4) copies.

No.

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		31	117	Notes payable to banks-secured (auto)		10	255
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule	1	619	656	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – see schedule		102	787
Real estate owned – see schedule		518	787	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		60	000	Tuition #1		4	368
Cash value-life insurance				Tuition #2		39	679
Other assets itemize:		10	000				
Thrift Savings Plan		347	199				
Indiana CollegeChoice 529		158	595				
Louisiana START Saving Program (Louisiana Principal Protection Fund)			800	Total Liabilities		157	089
Indiana ABLE Act Plan		5	580				
Knights of Columbus Whole Life Ins. (Est.)		1	515	Net Worth	2	596	160
Total Assets	2	753	249	Total Liabilities and Net Worth	2	753	249
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

AF CAPITAL INCOME BUILDER CLASS C	1,135
AMERICAN FUNDS AMCAP F2	15,371
AMERICAN FUNDS AMER MUTUAL FD F2	13,108
AMERICAN FUNDS NEW PERSPECTVE F2	27,720
AMG RIVER ROAD SMALL CAP VALUE FUND CLASS I	7,923
AMG YACKTMAN FUND SERVICE CLASS	18,705
AQR FDS MNG FUT STRG I	2,378
BLACKROCK STRATEGIC INCOME OPPORTUNITIES PORTFOLIO	2,740
BLUE CHIP GROWTH	15,830
BROKERAGE MONEY MARKET	5,275
COLUMBIA COMMODITY STRATEGY FUND-AD	1,783
DIAMOND HILL LONG-SHORT FUND CLASS I	2,973
DODGE & COX INCOME FUND	22,039
DODGE & COX INTERNATIONAL STOCK FUND	5,323
EVENTIDE GILEAD FUND CLASS I	8,224
FIDELITY 500 INDEX FUND	10,731
FIDELITY ADV INTERNATIONAL GROWTH	3,581
FIDELITY CASH	33,420
FIDELITY DIVIDEND GROWTH FUND	41,342
FIDELITY LOW PRICED STOCK	95,659
FIDELITY MONEY MARKET	24,926
FIDELITY TREND FUND	77,540
FPA NEW INCOME INC	2,535
HOMESTEAD SMALL-COMPANY STOCK FUND	12,641
HOTCHKIS AND WILEY LARGE-CAP VALUE FUND CLASS I	8,899
INVESCO GROWTH SER INV CNV SEC FD Y	2,883
INVESCO OPPENHEIMER DEVELOPING MARKETS FUND CLASS Y	19,263
INVESCO OPPENHEIMER INTERNATIONAL SMALL MID COMPANY FUND CLASS Y	17,951
ISHARES TR CORE US AGGBD ET	29,442
ISHARES TR FLTG RATE NT ETF	11,719
ISHARES TR MSCI EAFE ETF	20,568
ISHARES TR RUS 2000 VAL ETF	3,864
MUTUAL GLOBAL DISCOVERY FUND - CLASS Z	10,591
PIMCO ETF TR ENHAN SHRT MA AC	4,691
PIMCO FDS INCM FD P	6,453
PIMCO TOTAL RETURN INSTL CLASS	26
PRIMECAP ODYSSEY FUNDS GROWTH FUND	19,450

PRUDENTIAL GLOBAL REAL ESTATE CL Z	1,986
SMALL CAP GROWTH FUND - L	4,339
BLACKROCK RUSSELL 2000 SMALL CAP INDEX INSTITUTIONAL CLASS	17,739
SPDR SER TR BLOOMBERG BRCLYS	12,989
TEMPLETON GLBL BND FUND - ADVISOR CLAS	11,625
VANGUARD BD INDEX FDS SHORT TRM BOND	17,930
VANGUARD EXTENDED MARKET INDEX I	22,398
VANGUARD INDEX FDS VALUE ETF	26,980
VANGUARD INSTITUTIONAL TR 2040	849,509
VANGUARD REIT INDEX FUND ADMIRAL SHARES	19,897
VANGUARD TOTAL INTERNATIONAL BOND ETF	21,527
VICTORY MUNDER INTERNATIONAL SMALL-CAP FUND CLASS Y	4,035
Total Listed Securities	1,619,656

Real Estate Owned	
Personal Residence	$518,787
Total Real Estate Owned	$518,787

Real Estate Mortgages Payable	
Personal Residence – Mortgage	$102,787
Total Real Estate Mortgages Payable	$102,787

AFFIDAVIT

I, Amy Barrett, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

9/28/2020
(DATE)

Amy Barrett
(NAME)

William H. McCathrin
(NOTARY)