

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Joan Louise Larsen

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

Circuit Judge, United States Court of Appeals for the Sixth Circuit

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

Office: Michigan Hall of Justice
925 West Ottawa Street
Lansing, Michigan 48915

Residence: Ann Arbor (Scio Township), Michigan

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

1968; Waterloo/Cedar Falls, Iowa

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.

1990 – 1993, Northwestern University School of Law (now Northwestern Pritzker School of Law); J.D. (*magna cum laude*), 1993

1986 – 1990, University of Northern Iowa; B.A. (highest honors), 1990.

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.

2015 – present
Michigan Supreme Court

925 West Ottawa Street
Lansing, Michigan 48915
Justice

2003 – present
University of Michigan Law School
625 South State Street
Ann Arbor, Michigan 48109
Special Counsel to the Dean and Lecturer in Law (2015)
Special Counsel to the Associate Dean and Lecturer in Law (2003 – 2014)
Adjunct Professor of Law (2015 – present)

Summer 2006
University of Iowa College of Law
130 Byington Road
Iowa City, Iowa 52242
Visiting/Adjunct Professor

2002 – 2003
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, District of Columbia 20002
Deputy Assistant Attorney General

1998 –2001
University of Michigan Law School
625 South State Street
Ann Arbor, Michigan 48109
Visiting Professor of Law

Spring 1998
Northwestern University School of Law
357 East Chicago Avenue
Chicago, Illinois 60611
Visiting Assistant Professor

1995 –1997
Sidley Austin LLP
1501 K Street, N.W.
Washington, District of Columbia 20005
Associate

1994 –1995
Supreme Court of the United States
One First Street N.E.
Washington, District of Columbia 20002

Law Clerk

1993 – 1994

U.S. Court of Appeals for the District of Columbia Circuit
333 Constitution Avenue, N.W.
Washington, District of Columbia 20001
Law Clerk

Summer 1993

Sidley Austin LLP
10 South Dearborn Street
Chicago, Illinois 60611
Summer Associate

1992 – 1993

Northwestern University School of Law
357 East Chicago Avenue
Chicago, Illinois 60611
Teaching Assistant - Legal Writing

Summer 1992

Schiff Hardin & Waite
7200 Sears Tower
Chicago, Illinois 60606
Summer Associate

Summer 1992

Sidley Austin LLP
One First National Plaza
Chicago, Illinois 60603
Summer Associate

Summer 1991

Schiff Hardin & Waite
7200 Sears Tower
Chicago, Illinois 60606
Summer Associate

1989 – 1990

Chi Chi's Mexican Restaurant
2915 McClain Drive
Cedar Falls, Iowa 50613
Waitress

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 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.

Michigan State Bar Foundation Fellow (2015 – present)

L. Hart Wright Award for Excellence in Teaching, University of Michigan Law School (2000 – 2001)

John Paul Stevens Award for Academic Excellence, Northwestern University School of Law (1993)

Raoul Berger Prize (best Senior Research paper), Northwestern University School of Law (1993)

Lowden-Wigmore Prize (best student note published in the Northwestern University Law Review) (1993)

Order of the Coif (1993)

Wigmore Scholar (full tuition merit scholarship to Northwestern University School of Law) (1990 – 1993)

Purple & Old Gold Awards in Political Science and Spanish (awarded to most outstanding graduating senior in each major at the University of Northern Iowa) (1990)

Presidential Scholar (full-tuition merit-based scholarship to University of Northern Iowa) (1986 – 1990)

Omicron Delta Kappa Honor Society (1990)

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.

State Bar of Michigan (2006 – present)

District of Columbia Bar Association (1996 – present)

Illinois State Bar Association (1993 – 1994)

10. **Bar and Court Admission:**

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

Michigan, 2006
District of Columbia, 1996
Illinois, 1993

There have been no lapses in membership. In 2008, I voluntarily assumed inactive status in the bar of the District of Columbia and retired status in the bar of Illinois.

- 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.

U.S. Court of Federal Claims, 1996.

I have not sought to renew admission since I ceased practicing law.

11. **Memberships:**

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

To my recollection:

Ann Arbor Figure Skating Club (2010 – present)
Advisory Committee on Federal Rules of Criminal Procedure (2016 – present)
Daycroft Montessori School Parent Guild (approximately 2005 – 2012)
Federalist Society, 1994 – 2003 (intermittently)
Junior League of Ann Arbor (approximately 1999 – 2015)
 Active Member (approximately 1999 – 2006)
 Sustaining Member (2007 – 2015)
Liberty Athletic Club (2008 – present)
Michigan Bar Foundation (2015 – present)
Michigan Supreme Court Historical Society (2015 – present)
U.S. Figure Skating (2016 – present)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national

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

The Junior League of Ann Arbor is an organization whose mission is “promoting volunteerism, developing the potential of women, and improving the community through the effective action and leadership of trained volunteers,” and its membership is limited to women. It does not discriminate on the basis of race, religion, or national origin. To the best of my knowledge, none of the other organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

Opinion, *What I Learned From Justice Scalia*, opinion editorial, N.Y. TIMES, Feb. 16, 2016. Copy supplied.

Incompatibility Clause in THE HERITAGE GUIDE TO THE CONSTITUTION 105 (2nd ed. 2014). Copy supplied.

Ancient Juries and Modern Judges: Originalism’s Uneasy Relationship with the Jury, 71 OHIO ST. L. J. 959 (2010). Copy supplied.

Opinion, *Bar group is wrong; presidents can interpret laws they sign*, DETROIT NEWS, Sept. 13, 2006. Copy supplied.

Incompatibility Clause in THE HERITAGE GUIDE TO THE CONSTITUTION 84 (1st ed. 2005). Copy supplied.

Importing Constitutional Norms from a “Wider Civilization”: Lawrence and the Rehnquist Court’s Use of Foreign and International Law in Domestic Constitutional Interpretation, 65 OHIO ST. L.J. 1283 (2004). Copy supplied.

Constitutionalism Without Courts, 94 NW. U. L. REV. 983 (2000). Copy supplied.

With Steven G. Calabresi, *One Person, One Office: Separation of Powers or Separation of Personnel?*, 79 CORNELL L. REV. 1045, 1052–66, 1078 (1994). Copy supplied.

Of Propensity, Prejudice, and Plain Meaning: The Accused's Use of Exculpatory Specific Acts Evidence and the Need to Amend Rule 404(b), 87 NW. U. L. REV. 651 (1993). Copy supplied.

As a candidate for elective judicial office, I created this Official Facebook page: www.facebook.com/justicejoanlarsen.

As a candidate for elective judicial office and public official, I created these Official Twitter pages: @justice_larsen; @JusticeJoan4MI.

As a candidate for elective judicial office, I created this Official Website: www.justicejoan.com.

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

I do not believe that I have prepared or contributed to any reports, memoranda, or policy statements responsive to the question.

- 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 from former Supreme Court clerks to Senators Charles Grassley and Patrick Leahy in Support of Stuart Delery's nomination to be Associate Attorney General of the United States (July 14, 2015). Copy supplied.

Letter from former Office of Legal Counsel officials to Senators Diane Feinstein and Saxby Chambliss in Support of Caroline D. Krass's nomination to be General Counsel for the Central Intelligence Agency (Dec. 6, 2013). Copy supplied.

Letter from former federal executive branch officials to Senators Patrick Leahy and Charles Grassley in Support of Stuart Delery's nomination to be Assistant Attorney General for the Civil Division of the Department of Justice (May 13, 2013). Copy supplied.

Letter from former Office of Legal Counsel officials to Senators Patrick Leahy and Charles Grassley in Support of Virginia A. Seitz's nomination to be Assistant Attorney General for the Office of Legal Counsel (Mar. 15, 2011). Copy supplied.

Authority of the Equal Employment Opportunity Commission to Impose Monetary Sanctions Against Federal Agencies for Failure to Comply With Orders Issued by EEOC Administrative Judges, 27 Op. O.L.C. 24 (2003). Copy supplied.

Application of 44 U.S.C. § 1903 to Procurement of Printing of Government Publications, 26 Op. O.L.C. 104 (2002). Copy supplied.

Whether Section 319(b) of the Patriot Act Includes Authority for the Issuance of Grand Jury Subpoenas to Foreign Banks That Maintain Correspondent Accounts in the United States, unpublished OLC opinion, Aug. 6, 2002. Copy supplied.

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

The following reflects my best efforts to identify all public speeches, talks, and other remarks I have delivered. I constructed this list, with the assistance of others, by searching my own files and calendar and by searching sources available on the internet. Despite my best efforts, it is possible that there are speeches or other public remarks that I cannot remember or otherwise identify. In this regard, I note that in 2012, my former employer, the University of Michigan Law School, migrated its electronic calendar to a new format. After consulting with the IT Department, we were able to reconstruct my calendar going back only to May 2010.

May 5, 2017: Speaker, with Justice Bridget McCormack, Washtenaw County Bar Association Bench-Bar Conference, Ann Arbor, Michigan. Justice McCormack and I gave an overview of the day-to-day work of a Justice of the Michigan Supreme Court, from handling cases to administrative responsibilities. Outline supplied.

April 18, 2017: Volunteer Judge, Moot Court Competition, Michigan State University School of Law, East Lansing, Michigan. I gave remarks and feedback to competitors and thanked the participants and sponsors of the event. I have no notes, transcript, or recording. The address of the school is 648 North Shaw Lane, East Lansing, Michigan 48824.

April 17, 2017: Discussant, Judicial Exchange, University of Michigan Law School, Ann Arbor, Michigan. I participated in a roundtable discussion on statutory interpretation along with other Justices of the Michigan Supreme Court, judges from the U.S. Court of Appeals for the Sixth Circuit, and judges from the Court of

Justice of the European Union. I gave brief introductory remarks regarding the Michigan Supreme Court's approach to statutory interpretation and participated in the discussion. I have no notes, transcript, or recording. The address of the law school is 625 South State Street, Ann Arbor, Michigan 48109.

April 12, 2017: Final round judge, 92nd Campbell Moot Court Competition, University of Michigan Law School, Ann Arbor, Michigan. I gave remarks and feedback to competitors and thanked the participants and sponsors of the event. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

December 16, 2016: Commencement Speaker, Senior Day, University of Michigan Law School, Ann Arbor, Michigan. Remarks supplied.

December 9, 2016: Speaker, Southern Wayne County Regional Chamber of Commerce, Women of Achievement Luncheon, Wyandotte, Michigan. Remarks supplied.

November 22, 2016: Speaker, Oakland County Adoption Day Ceremony, Pontiac, Michigan. Remarks and press coverage supplied.

November 17, 2016: Moderator, "How Justice Scalia's Writing Style Affected American Jurisprudence," National Lawyer's Convention, Federalist Society for Law & Public Policy Studies, Washington, District of Columbia. Recording and press coverage supplied.

November 11, 2016: Speaker, Blue Cross Blue Shield of Michigan Annual Retreat, Detroit, Michigan. Remarks supplied.

November 11, 2016: Speaker, Joe Grano Dinner and Awards Ceremony, Michigan Lawyers Chapter, Federalist Society for Law & Public Policy Studies, Plymouth, Michigan. I gave impromptu remarks in appreciation for being recognized as the newest Justice of the Michigan Supreme Court. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006.

November 3, 2016: Speaker, "Meet the Candidates," Macomb, Michigan. To the best of my recollection, my campaign cosponsored the event with Justice Viviano's campaign, and I gave remarks about my background and experience on the Michigan Supreme Court and the upcoming election for the Michigan Supreme Court. I have no notes, transcript, or recording. The address of my campaign was Joan Larsen for Justice, P.O. Box 27346, Lansing, Michigan 48909. The address of Justice Viviano's campaign was Viviano for Justice, P.O. Box 27301, Lansing, Michigan 48909. Press coverage supplied.

October 26, 2016: Speaker, Michigan Chapter, Republican National Lawyers Association, Lansing, Michigan. To the best of my recollection, I spoke about my experiences clerking for Justice Scalia. I have no notes, transcript, or recording. The Michigan Chapter can be reached through its Chair, Jason Hanselman, at Dykema Gossett PLLC, 201 Townsend, Suite 900, Lansing, Michigan 48933.

October 26, 2016: Lunch speaker, Legal Aid Luncheon, Michigan Advocacy Program, Lansing, Michigan. To the best of my recollection, I spoke about my background, my experience on the Michigan Supreme Court, the Court's role in supporting problem solving courts, and the importance of Legal Aid. I have no notes, transcript, or recording. The address of the program is 420 North Fourth Avenue, Ann Arbor, Michigan 48104.

October 17, 2016: Speaker, Lincoln Day Dinner, Macomb County Republican Party, Shelby Charter Township, Michigan. I led the Pledge of Allegiance. I have no notes, transcript, or recording. The address of the party is P.O. Box 380962, Clinton Township, Michigan 48038.

October 13, 2016: Speaker, Luncheon, Michigan Self Insurance Association, Lansing, Michigan. Remarks supplied.

October 13, 2016: Speaker, Ingham County 300 Club, Lansing, Michigan. Remarks supplied.

October 11, 2016: Speaker, Monroe County Women's Republican Club, Monroe, Michigan. To the best of my recollection, I gave remarks about my background, my experience on the Michigan Supreme Court, and the role of courts. I have no notes, transcript, or recording. The club can be reached at 210 West Front Street, P.O. Box 560, Monroe, Michigan 48162. Press coverage supplied.

October 2016: Justice Joan Larsen for Michigan Supreme Court Campaign Flyer. Copies supplied.

October 2016: Justices Joan Larsen and David Viviano for Michigan Supreme Court Campaign Advertisement. Copy supplied.

October 2016: Justice Joan Larsen for Michigan Supreme Court Campaign Advertisement. Copy supplied.

October 2016: Justices Joan Larsen and David Viviano for Michigan Supreme Court Campaign Advertisement. Copy supplied.

September 30, 2016: Speaker, Annual Banquet, Student Statesmanship Institute, Livonia, Michigan. I spoke about Justice Scalia as a man of faith. Remarks supplied.

September 30, 2016: Speaker, Swift and Sure Probation Graduation Ceremony, 30th Circuit Court, Lansing, Michigan. I gave remarks congratulating the graduates on successfully completing the Swift and Sure program. I have no notes, transcript, or recording. The address of the court is 313 Kalamazoo Street, Lansing, Michigan 48933.

September 29, 2016: Speaker, Problem Solving Court Graduation, Ingham County Circuit Court, Lansing, Michigan. I gave remarks commending individuals for successfully completing an alternative treatment program. I have no notes, transcript, or recording. The address of the court is 313 Kalamazoo Street, Lansing, Michigan 48933.

September 27, 2016: Speaker, Michigan Leadership Reception (Downriver), Michigan Republican Party, Southgate, Michigan. To the best of my recollection, I talked about my background, my experience on the bench, and the role of courts. I have no notes, transcript, or recording. The address of the party is 520 Seymour Avenue, Lansing, Michigan 48933.

September 22, 2016: Panelist, Women Lawyers Association of Michigan Reception, State Bar of Michigan Annual Meeting, Grand Rapids, Michigan. Justice Bridget McCormack and I spoke about paths to the bench. I have no notes, transcript, or recording. The address of the Women Lawyers Association is 120 North Washington Square, Suite 110A, Lansing, Michigan 48933.

September 20, 2016: Panelist, Constitution Day: Recent Developments in Constitutional Law, University of Michigan Law School, Ann Arbor, Michigan. I believe that my remarks were substantially similar to those I gave at the Michigan Historical Society Meeting on April 14, 2016. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109. Press coverage supplied.

September 18, 2016: Speaker, Reagan Ranch Barbeque, Jackson County Republican Party, Horton, Michigan. To the best of my recollection, I gave remarks about my background, my experience on the Michigan Supreme Court, and the role of the courts. I have no notes, transcript, or recording. The address of the party is 209 East Washington Avenue, Jackson, Michigan 49201.

September 16, 2016: Speaker, 92nd Campbell Moot Court Competition Kickoff Event, University of Michigan Law School, Ann Arbor, Michigan. I introduced the keynote speaker, Paul Clement. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109. Press coverage supplied.

September 15, 2016: Speaker, Drug Treatment Court Graduation, 36th District Court, Detroit, Michigan. I gave remarks commending individuals for successfully completing the drug court treatment program. I have no notes, transcript, or

recording. The address of the court is 421 Madison Street, Detroit, Michigan 48216.

September 12, 2016: Speaker, Legislative and Regulatory Committee Reception, Insurance Institute of Michigan, Lansing, Michigan. To the best of my recollection, I spoke about my background, my experience on the Michigan Supreme Court, and the role of courts. I have no notes, transcript, or recording. The address of the organization is 334 Townsend St, Lansing, Michigan 48933.

September 8, 2016: Speaker, Regional Meeting, Michigan Chamber of Commerce, Ann Arbor, Michigan. I spoke as one of a bipartisan group of candidates for elected office. To the best of my recollection, I spoke about my background, my experience on the Michigan Supreme Court, and the role of courts. I have no transcript, notes, or recording. The address of the Chamber is 600 South Walnut Street, Lansing, Michigan 48933.

August 27, 2016: Speaker, State Convention Nomination Acceptance Speech, Michigan Republican Party, Grand Rapids, Michigan. Remarks supplied.

July 28, 2016: Speaker, Treatment Court Graduation, North Oakland County Veterans Treatment Court, Waterford, Michigan. I gave remarks commending graduates for successfully completing the veterans court treatment program. Remarks and press coverage supplied.

July 7, 2016: Panelist, "Question and Answer Session with Michigan Law School alumni," Federalist Society for Law and Public Policy Studies, Washington, District of Columbia. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006.

June 17, 2016: Speaker, Luncheon, Michigan Manufacturers Association, Lansing, Michigan. To the best of my recollection, I spoke about my background, my experiences on the bench, and the role of courts. I have no notes, transcript, or recording. The address of the organization is 620 South Capitol Avenue, Lansing, Michigan 48933.

May 31, 2016: Speaker, Commitment to Integrity Ceremony, University of Michigan Law School, Ann Arbor, Michigan. Remarks supplied.

May 26, 2016: Presenter, Annual Convention, Police Officers Association of Michigan, Grand Rapids, Michigan. Along with the other Justices of the Michigan Supreme Court, I presented awards to police officers. I have no notes, transcript, or recording. The address of the association is 27056 Joy Road, Redford, Michigan, 48239.

May 24, 2016: Speaker, Reception, Michigan Republican Party, West Bloomfield Township, Michigan. To the best of my recollection, I spoke about my background, my experience on the bench, and the role of the courts. I have no notes, transcript, or recording. The address of the party is 520 Seymour Avenue, Lansing, Michigan 48933.

May 13, 2016: Speaker, Lincoln Day Dinner, Branch County Republican Party, Coldwater, Michigan. Remarks supplied.

May 12, 2016: Speaker, Board Meeting, Michigan Defense Trial Counsel, Detroit, Michigan. To the best of my recollection, I spoke, along with Justice David Viviano, about the workings of the Michigan Supreme Court and our emphasis on collegiality. We answered some questions about effective appellate advocacy. I have no notes, transcript, or recording. The address of the organization is 12690 Grand Willow Drive, Grand Ledge, Michigan 48837.

May 9, 2016: Speaker, Veterans Treatment Court Graduation, 17th Judicial District Veterans Treatment Court, Redford Township, Michigan. Remarks supplied.

May 3, 2016: Speaker, Chamber of Commerce Day Luncheon, Michigan Chamber of Commerce, Lansing, Michigan. I spoke with Justices Robert Young Jr. and David Viviano. Outline supplied.

April 23, 2016: Speaker, Opening Day Celebration, Dexter Little League. I delivered brief remarks about the importance of good sportsmanship and administered the Little League Oath. I have no notes, transcript, or recording. The address of the organization is P.O. Box 67, Dexter, Michigan 48130.

April 22, 2016: Speaker, video message to Alpena Exchange Club lauding work to curb neonatal abstinence syndrome, Michigan Supreme Court, Lansing, Michigan. Recording and press coverage supplied.

April 22, 2016: Panelist, "The Michigan Supreme Court's View on Judging and Advocacy," Michigan Appellate Bench Bar Conference, Plymouth, Michigan. I sat on a panel along with my colleagues on the Court. We answered questions from the audience regarding appellate advocacy and, in particular, practicing before the Michigan Supreme Court. Transcript supplied.

April 18, 2016: Panelist, "Question and Answer Session with Justice Bridget McCormack," Michigan Women's Commission, East Lansing, Michigan. Minutes supplied.

April 14, 2016: Speaker, Annual Luncheon, Michigan Supreme Court Historical Society, Lansing, Michigan. I gave remarks about the late Justice Antonin Scalia. Remarks supplied.

April 11, 2016: Speaker, 91st Campbell Moot Court Competition, University of Michigan Law School, Ann Arbor, Michigan. I gave informal remarks thanking participants. I have no notes, transcript, or recording. The address of the school is 625 S State St, Ann Arbor, Michigan 48109.

March 30, 2016: Panelist, Remembering Justice Antonin Scalia, Michigan Lawyers Chapter, Federalist Society for Law & Public Policy Studies, Lansing, Michigan. To the best of my recollection, I spoke about my experiences clerking for Justice Scalia. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006.

March 28, 2016: Speaker, Luncheon, Kent County 500 Club, Grand Rapids, Michigan. I used the same remarks as supplied for the March 6, 2016 Lincoln Day Dinner.

March 18, 2016: Speaker, Law School for Journalists, Michigan Supreme Court, Lansing, Michigan. I gave introductory remarks for an event educating the media regarding Michigan's court system. Remarks and recording supplied.

March 15, 2016: Speaker, Convention, Michigan Association of Treatment Court Professionals, Grand Rapids, Michigan. I gave remarks during the opening ceremony. Remarks supplied.

March 6, 2016: Speaker, Lincoln Day Dinner, Wayne 11 Republican Committee, Livonia, Michigan. Remarks supplied.

March 1, 2016: Speaker, Memorial Service for Justice Antonin Scalia, Washington, District of Columbia. Recording and press coverage supplied.

February 22, 2016: Speaker, Women Leader Speaker Series, Allegan County Republican Women's Group, Plainwell, Michigan. Remarks supplied.

February 16, 2016: Speaker, Meeting, Eastside Republican Club, Grosse Pointe Farms, Michigan. I spoke about my experiences clerking for Justice Antonin Scalia. I have no notes, transcript, or recording. The address of the organization is P.O. Box 361025, Grosse Pointe Farms, Michigan 48236.

February 11, 2016: Speaker, Meeting, 9th Congressional District Republican Committee, Sterling Heights, Michigan. To the best of my recollection, I spoke about my background, my experience on the Supreme Court, and the role of courts. I have no notes, transcript, or recording. The organization can be reached through the state party at 520 Seymour Avenue, Lansing, Michigan 48933.

February 9, 2016: Speaker, Meeting, The Gadsden Center, Inc., Howell, Michigan. To the best of my recollection, I spoke about my background, my experience on the Supreme Court, and the rule of law. I have only a draft version of an introduction

and no notes, transcript, or recording. The address of the organization is 10246 Crouse Road, #841, Hartland, Michigan 48353.

February 4, 2016: Speaker, Meeting, Farmington Area Republican Club, Farmington Hills, Michigan. Outline supplied.

February 2, 2016: Speaker, Sobriety Court Graduation Ceremony, 55th District Court, Mason, Michigan. I gave remarks commending graduates for completing drug and alcohol treatment programs administered through the court system. Remarks supplied.

January 21, 2016: Panelist, "Life on the Supreme Court," University of Michigan Law School student chapters of the American Constitution Society, the Federalist Society, the Frank Murphy Society, and the Michigan Election Law Project. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109. Press coverage supplied.

January 20, 2016: Speaker, Meeting, Michigan 10th Congressional District Republicans, Shelby Township, Michigan. To the best of my recollection, I spoke about my appointment to the Michigan Supreme Court, my background, my transition to the bench, and the role of the courts. I have no notes, transcript, or recording. The organization can be reached through the state party at 520 Seymour Avenue, Lansing, Michigan 48933.

January 9, 2016: Speaker, Monthly Meeting, Michigan Tea Party Alliance, Holt, Michigan. To the best of my recollection, I spoke about my appointment to the Michigan Supreme Court, my background, my transition to the bench, and the role of the courts. I have no notes, transcript, or recording. The address of the organization is P.O. Box 214, Attica, Michigan 48412.

December 7, 2015: Speaker, Meeting, Monroe County Republican Executive Committee, Monroe, Michigan. To the best of my recollection, I spoke about my appointment to the Michigan Supreme Court, my background, my transition to the bench, and the role of the courts. I have no notes, transcript, or recording. The address of the organization is 210 West Front Street, Monroe, Michigan 48161.

December 1, 2015: Speaker, Luncheon, Michigan Manufacturer's Association, East Lansing, Michigan. Remarks supplied.

November 24, 2015: Speaker, Oakland County Adoption Day Ceremony, Pontiac, Michigan. I gave remarks commemorating Adoption Day. Remarks and press coverage supplied.

November 19, 2015: Speaker, Meeting, 14th District Republican Committee, Royal Oak, Michigan. To the best of my recollection, I spoke about my then-recent appointment to the Michigan Supreme Court, my background, and my transition to

the bench. I have no notes, transcript, or recording. The organization can be reached through the state party at 520 Seymour Avenue, Lansing, Michigan 48933.

November 18, 2015: Speaker, Meeting, Negligence Section of the State Bar of Michigan, Troy, Michigan. To the best of my recollection, I spoke about my then-recent appointment to the Michigan Supreme Court, my background, and my transition to the bench. I have no notes, transcript, or recording. The address of the organization is 306 Townsend Street, Lansing, Michigan 48933.

November 17, 2015: Speaker, Meeting, 12th Congressional District Republican Committee, Dearborn, Michigan. To the best of my recollection, I spoke about my then-recent appointment to the Michigan Supreme Court, my background, and my transition to the bench. I have no notes, transcript, or recording. The organization can be reached through the state party at 520 Seymour Avenue, Lansing, Michigan 48933.

November 12, 2015: Panel Moderator, 80th Anniversary of the NLRA and Congressional Action, National Lawyer's Convention, Federalist Society for Law and Public Policy Studies, Washington, District of Columbia. Recording supplied.

November 10, 2015: Speaker, Salute to Justice Banquet, Oakland County Republican Party, Bloomfield Hills, Michigan. To the best of my recollection, I spoke about my then-recent appointment to the Michigan Supreme Court, my background, and my transition to the bench. I have no notes, transcript, or recording. The address of the organization is 42611 Woodward Avenue, Bloomfield Hills, Michigan 48304.

November 9, 2015: Speaker, Executive Committee Meeting, Macomb County Republican Party, Macomb County, Michigan. To the best of my recollection, I spoke about my then-recent appointment to the Michigan Supreme Court, my background, and my transition to the bench. I have no notes, transcript, or recording. The address of the party is P.O. Box 380962, Clinton Township, Michigan 48038.

October 27, 2015: Speaker, 91st Campbell Moot Court Competition Kickoff Event, University of Michigan Law School, Ann Arbor, Michigan. I introduced the speaker, Jeff Lamken. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

October 22, 2015: Speaker, "Meat and Potatoes" Talk, Course Selection Presentation to Summer Starter Students, University of Michigan Law School, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

April 14, 2015: Speaker, 90th Campbell Moot Court Competition, University of Michigan Law School, Ann Arbor, Michigan. I gave informal after-dinner remarks

congratulating the competitors and thanking the judges and the moot court board. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

March 26, 2015: Panelist, panel discussion featuring women Supreme Court clerks, University of Michigan Law School, Ann Arbor, Michigan. To the best of my recollection, we discussed our experiences clerking on the Supreme Court. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

March 20, 2015: Panelist, Preview Weekend, panel discussion for admitted students about judicial clerkships and careers in academia, University of Michigan Law School, Ann Arbor, Michigan. Notes supplied.

October 28, 2014: Speaker, 90th Campbell Moot Court Competition Kickoff Event, University of Michigan Law School, Ann Arbor, Michigan. I introduced the speaker, Catherine Carroll. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

October 20, 2014: Speaker, "Meat and Potatoes" Talk, Course Selection Presentation to Summer Starter Students, University of Michigan Law School. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

October 9, 2014: Moderator, panel discussion of Supreme Court clerkship experience, University of Michigan Law School Student Chapter, Federalist Society for Law & Public Policy Studies, Ann Arbor, Michigan. I introduced the speaker and facilitated questions from the audience. I have no notes, transcript, or recording. The student chapter can be reached at the University of Michigan Law School, 625 South State Street, Ann Arbor, Michigan 48109.

October 1, 2014: Speaker, lunchtime presentation about judicial clerkship application process, University of Michigan Law School, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

August 6, 2014: Speaker, Fawley Lunch Series, University of Michigan Law School, Ann Arbor, Michigan. This presentation to other faculty members was about the then-recent *Noel Canning* decision from the Supreme Court. Notes supplied.

April 4, 2014: Panelist, Preview Weekend, panel discussion for admitted students about judicial clerkships and careers in academia for admitted students, University of Michigan Law School, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

April 2, 2014: Speaker, 89th Campbell Moot Court Competition, University of Michigan Law School, Ann Arbor, Michigan. I gave informal remarks and thanked the participants and sponsors of the event. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

March 21, 2014: Panelist, Preview Weekend panel discussion for admitted students about judicial clerkships and careers in academia for admitted students, University of Michigan Law School, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

January 29, 2014: Panelist, panel discussion about the judicial clerkship application process, University of Michigan Law School, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

December 20, 2013: Speaker, Senior Day Commencement Address, University of Michigan Law School, Ann Arbor, Michigan. Remarks supplied.

October 24, 2013: Panelist, Update on the War on Terror, University of Michigan Law School Student Chapter, Federalist Society for Law & Public Policy Studies, Ann Arbor, Michigan. Remarks supplied.

October 24, 2013: Speaker, "Meat and Potatoes Talk," Course Selection Presentation to Summer Starter Students, University of Michigan Law School, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

October 2, 2013: Panelist, panel discussion about judicial clerkships, University of Michigan Law School, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

September 18, 2013: Panelist, alumni clerkship panel, University of Michigan Law School, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

September 17, 2013: Panelist, Constitution Day, University of Michigan Law School, Ann Arbor, Michigan. This was a panel discussion about recent Supreme Court cases. I spoke about *Fisher v. University of Texas*. Recording supplied.

July 24, 2013: Speaker, University of Michigan Law School Alumni Association, Chicago, Illinois. I gave an update on the state of the law school. I have no notes, transcript, or recording. The address of the association is 701 South State Street, 4th Floor, Ann Arbor, Michigan 48109.

April 11, 2013: Panelist, panel discussion about course selection for students interested in pursuing careers in government or public service, University of Michigan Law School, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

April 9, 2013: Panelist, panel discussion about the judicial clerkship application and interview process, University of Michigan Law School, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

April 8, 2013: 88th Campbell Moot Court Competition, University of Michigan Law School, Ann Arbor, Michigan. I gave informal after-dinner remarks congratulating the participants and thanking the moot court board and the sponsors of the event. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

April 5, 2013: Panelist, Preview Weekend, panel discussion for admitted students about judicial clerkships and careers in academia, University of Michigan Law School, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

April 2, 2013: Speaker, Conversation with Federal Judge Pratt, University of Michigan Law School Student Chapter, American Constitution Society, Ann Arbor, Michigan. To the best of my recollection, I introduced the judge; I may have given some comments on his remarks. I have no notes, transcript, or recording. The student chapter can be reached at the University of Michigan Law School, 625 South State Street, Ann Arbor, Michigan 48109.

March 21, 2013: Moderator, Presidential Powers & Terrorism, University of Michigan Law School Student Chapter, Federalist Society for Law & Public Policy Studies. To the best of my recollection, I introduced Professor Jack Goldsmith. I may have given some comments on his remarks. I have no notes, transcript, or recording. The student chapter can be reached at the University of Michigan Law School, 625 South State Street, Ann Arbor, Michigan 48109.

November 9, 2012: Speaker, Judicial Fellows Program for Law Students, U.S. District Court for the Eastern District of Kentucky, Covington, Kentucky. Notes supplied.

November 9, 2012: Speaker, Northern Kentucky University Student Chapter, Federalist Society for Law & Public Policy Studies, Newport, Kentucky. I used the same notes as supplied for the Judicial Fellows Program talk.

October 30, 2012: Speaker, 88th Campbell Moot Court Competition Kickoff Event, University of Michigan Law School, Ann Arbor, Michigan. I introduced the keynote speaker, who I believe was Jeff Fisher. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

October 24, 2012: Speaker, "Meat and Potatoes Talk," Course Selection Presentation to Summer Starter Students, University of Michigan Law School, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

October 18, 2012: Speaker, "Meat and Potatoes Talk," Course Selection Presentation to Summer Starter Students, University of Michigan Law School, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

October 13, 2012: Speaker, Dinner Celebrating Judge David B. Sentelle's 25 Years on the D.C. Circuit Court of Appeals, Washington, District of Columbia. To the best of my recollection, I gave some informal remarks regarding the judge's service on the bench; I may have told some anecdotes from my clerkship year. I have no notes, transcript, or recording. The address of the D.C. Circuit Court of Appeals is 333 Constitution Avenue, N.W., Washington, District of Columbia 20001.

October 4, 2012: Panelist, Meeting, University of Michigan Law School Student Chapter, Federalist Society for Law & Public Policy Studies, Ann Arbor, Michigan. I have no independent recollection of this event, but based on the date, I assume that it was an informational meeting for the student chapter. I have no notes, transcript, or recording. The student chapter can be reached at the University of Michigan Law School, 625 South State Street, Ann Arbor, Michigan 48109.

September 28, 2012: Speaker, Michigan Aspiring Academics Camp, University of Michigan School of Law, Ann Arbor, Michigan. To the best of my recollection, I welcomed the participants and gave some general remarks about the market for legal academics. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

September 5, 2012: Panelist, panel discussion about the judicial clerkship application and interview process, University of Michigan Law School, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

April 2, 2012: Speaker, 87th Campbell Moot Court Competition, University of Michigan Law School, Ann Arbor, Michigan. I gave informal after-dinner remarks congratulating the competitors and thanking the sponsors, participants, and the moot court board. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

March 30, 2012: Panelist, panel discussion about judicial clerkships and careers in academia, University of Michigan Law School, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

March 26, 2012: Panelist, lunch panel discussion, University of Michigan Law School Student Chapter, American Constitution Society, Ann Arbor, Michigan. I do not recall the topic of this event. I have no notes, transcript, or recording. The student chapter can be reached at the University of Michigan Law School, 625 South State Street, Ann Arbor, Michigan 48109.

March 16, 2012: Panelist, panel discussion about judicial clerkships and careers in academia, University of Michigan Law School, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

March 15, 2012: Panelist, panel discussion sponsored by the Campbell Moot Court Board and the Michigan Law Review, University of Michigan Law School, Ann Arbor, Michigan. I do not recall the topic of this panel. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

February 8, 2012: Panelist, panel discussion about the judicial clerkship application and interview process, University of Michigan Law School, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

November 10, 2011: Panel discussion on the appointment of counsel in civil cases, University of Michigan Law School Student Chapter, Federalist Society for Law & Public Policy Studies, Ann Arbor, Michigan. I recall attending but do not recall whether I participated. I may have moderated the discussion and/or introduced the speaker. I have no notes, transcript, or recording. The student chapter can be reached at the University of Michigan Law School, 625 South State Street, Ann Arbor, Michigan 48109.

November 3, 2011: Speaker, Law Review Luncheon, University of Michigan Law School, Ann Arbor, Michigan. I believe I spoke, along with other faculty members, about our experiences in editorial board positions on the law review. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

October 27, 2011: Speaker, 87th Campbell Moot Court Competition Kickoff Event, University of Michigan Law School, Ann Arbor, Michigan. I introduced the keynote speaker, Jeff Lamken. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

October 21-22, 2011: Participant, "International Law, Foreign Law, and the United States Constitution," Law and Liberty Colloquium, Federalist Society for Law & Public Policy Studies, Dallas, Texas. The event was cosponsored by the Liberty Fund. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, District of Columbia 20006. The address of the Liberty Fund is 11301 N. Meridian Street, Carmel, Indiana 46032. Press coverage supplied.

October 20, 2011: Speaker, "Meat and Potatoes" Talk, Course Selection Presentation to Summer Starter Students, University of Michigan Law School, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

September 21, 2011: Panelist, Meeting, University of Michigan Law School Student Chapter, Federalist Society for Law and Public Policy Studies, Ann Arbor, Michigan. I have no specific recollection of this event, but based on the date, I would assume that it was an informational meeting for the student chapter. I have no notes, transcript, or recording. The student chapter can be reached at the University of Michigan Law School, 625 South State Street, Ann Arbor, Michigan 48109.

September 20, 2011: Panelist, Constitution Day, University of Michigan Law School, Ann Arbor, Michigan. My calendar indicates that I agreed to speak at this event. Typically, the format for Constitution Day would have been for each panelist to summarize a recent Supreme Court case and offer some remarks, although I have been unable to identify about which case I spoke. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

September 7, 2011: Speaker, lunchtime presentation about judicial clerkship application process, University of Michigan Law School, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

April 11, 2011: Speaker, 86th Campbell Moot Court Competition, University of Michigan Law School, Ann Arbor, Michigan. I gave informal remarks thanking participants. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

April 1, 2011: Panelist, panel discussion about judicial clerkships and careers in academia, University of Michigan Law School, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

March 11, 2011: Panelist, Preview Weekend panel discussion about judicial clerkships and careers in academia, University of Michigan Law School, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

March 9, 2011: Speaker, lunchtime presentation to summer starter students about judicial clerkship application process, University of Michigan Law School, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

November 2, 2010: Speaker, 86th Campbell Moot Court Competition Kickoff Event, University of Michigan Law School, Ann Arbor, Michigan. I introduced the keynote speaker. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

September 21, 2010: Panelist, Supreme Court Roundup, University of Michigan Law School Student Chapters, American Constitution Society and Federalist Society, Ann Arbor, Michigan. This was a panel discussion about the Supreme Court's upcoming term. I have no notes, transcript, or recording. The student chapters can be reached at the University of Michigan Law School, 625 South State Street, Ann Arbor, Michigan 48109.

July 8, 2010: Speaker, Fawley Lunch Series presentation about *Free Enterprise Fund v. Public Company Accounting Oversight Board*, University of Michigan Law School, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109. Press coverage supplied.

November 17, 2009: Speaker, Symposium: "Originalism and the Jury," The Ohio State University, Moritz College of Law, Columbus, Ohio. I presented my paper, *Ancient Juries and Modern Judges: Originalism's Uneasy Relationship with the Jury*. Paper supplied in response to question 12a.

February 2009: Panelist, panel discussion with Professors Ellen Katz and Christina Whitman, University of Michigan Law School Student Chapters, American Constitution Society and Federalist Society for Law & Public Policy Studies, Ann Arbor, Michigan. To the best of my recollection, this panel discussion was about our experiences clerking on the United States Supreme Court. I have no notes, transcript, or recording. The student chapters can be reached at the University of Michigan Law School, 625 South State Street, Ann Arbor, Michigan 48109.

March 8, 2008: Panel Moderator, "Tradition and the People's Constitution," Annual Student Symposium, Federalist Society for Law & Public Policy Studies, Ann Arbor, Michigan. Recording supplied.

October 2, 2007: Panelist, "Supreme Court Roundup," University of Michigan Law School Student Chapters, American Constitution Society and Federalist Society for Law & Public Policy Studies, Ann Arbor, Michigan. Along with other panelists, I discussed the upcoming Term of the Supreme Court. I have no notes, transcript, or recording. The student chapters can be reached at the University of Michigan Law School, 625 South State Street, Ann Arbor, Michigan 48109.

September 29, 2007: Panelist, "A Preview of the Supreme Court October 2007 Term, With a Look Back at the October 2006 Term," Federalist Society for Law & Public Policy Studies, Washington, District of Columbia. Recording supplied.

January 26, 2007: Panelist, "Miranda and the War on Terror," Chapman Law Review Symposium "Miranda at 40: Applications in a Post-Enron, Post-9/11 World," Orange, California. To the best of my recollection, I spoke about whether expanding the use of *Miranda* warnings from traditional domestic law-enforcement proceedings to the interrogation of enemy combatants might have the unintended effect of diluting *Miranda*'s protections for defendants in domestic criminal proceedings. I have no notes, transcript, or recording. The address of the school is One University Drive, Orange, California 92866.

November 8, 2006: Panelist, "Supreme Court Roundup," University of Michigan Law Student Chapters, American Constitution Society and Federalist Society for Law & Public Policy Studies, Ann Arbor, Michigan. I gave a preview of two sentencing cases, *Claiborne v. United States* and *Rita v. United States*, which were to be argued at the Supreme Court in the upcoming Term. I have no notes, transcript, or recording. The student chapters can be reached at the University of Michigan Law School, 625 South State Street, Ann Arbor, Michigan 48109. Press coverage supplied.

October 12, 2005: Panelist, "Supreme Court Roundup," University of Michigan Law Student Chapters, American Constitution Society and Federalist Society for Law & Public Policy Studies, Ann Arbor, Michigan. I gave a preview of *Gonzales v. O Centro Espirita Beneficiente Uniao do Vegetal*, which was to be argued at the Supreme Court in the upcoming Term. I have no notes, transcript, or recording. The student chapters can be reached at the University of Michigan Law School, 625 South State Street, Ann Arbor, Michigan 48109. Press coverage supplied.

September 8, 2005: Panelist, "Clerkship Interviews," University of Michigan Law School, Ann Arbor, Michigan. I discussed what to expect in a clerkship interview. I have no notes, transcript, or recording. The address of the law school is 625 South State Street, Ann Arbor, Michigan 48103.

June 28, 2005: Panelist, "The Role of International Law in Crafting U.S. Supreme Court Opinions," Phoenix Lawyers Chapter, Federalist Society for Law & Public Policy Studies, Phoenix, Arizona. I have no notes, transcript, or recording. I do not recall the content of my remarks, but I imagine that my remarks were drawn

from an article I wrote on a similar topic. Article provided in response to question 12a.

October 14, 2003: Panelist, "Clerking at the United States Supreme Court," University of Michigan Law School, Ann Arbor, Michigan. Along with other panelists, I discussed my experiences clerking at the Supreme Court. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109.

September 22, 2003: Panelist, "Dean's Roundtable on Government Service," University of Michigan Law School, Ann Arbor, Michigan. I spoke about career opportunities in the government. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109. Press coverage supplied.

November 18, 2002: Speaker, "A Discussion of Executive Interpretation of Constitutional Norms," University of Michigan Law School Student Chapter, Federalist Society for Law & Public Policy Studies, Ann Arbor, Michigan. I have no notes, transcript, or recording. The address of the school is 625 South State Street, Ann Arbor, Michigan 48109. Press coverage supplied.

- 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.

The following reflects my best efforts to identify all interviews or statements I have given to the press. I constructed this list, with the assistance of others, by searching my own files and calendar and by searching sources available on the internet. Despite my best efforts, it is possible that there are interviews that I cannot remember or otherwise identify. In this regard, I note that in 2012, my former employer, the University of Michigan Law School, migrated its electronic calendar to a new format. After consulting with the IT Department, we were able to reconstruct my calendar going back only to May 2010.

Jillian Fellows, *Students Get Up-Close View of Judicial Process*, PETOSKEY NEWS, Apr. 26, 2017. Copy supplied.

John Nevin, *Standards and Best Practice Manuals Published for Problem-Solving Courts*, MICH. COURTS NEWS RELEASE, Mar. 24, 2017. Press release supplied.

Diana Christensen, *10 Reasons to Send Your Child to Camp*, METRO PARENT, Mar. 10, 2017. Copy supplied.

Alissa Pietila, *750,000 in Grants Awarded to Veterans Treatment Courts Statewide*, WLUC, Nov. 10, 2016. Copy supplied.

John Nevin, *\$750K in Grants Awarded to Veterans Treatment Courts Statewide*, MICH. COURTS NEWS RELEASE, Nov. 10, 2016. Press release supplied.

Michael Patrick Shiels' MI Big Show, Nov. 7, 2016. Audio supplied.

State Supreme Court Race: The Incumbents v. 'Cashless' Challengers, GONGWER NEWS SERVICE, Nov. 4, 2016. Copy supplied.

October 31, 2016: The Pledge Radio, AM 1260, radio interview regarding my candidacy for the Michigan Supreme Court. I have no notes, transcript or recording.

Christine MacDonald, *Supreme Court Incumbents Face Sedate Race*, THE DETROIT NEWS, Oct. 31, 2016. Copy supplied.

Paul Egan, *Michigan Supreme Court Election is a Low-Key Affair*, DETROIT FREE PRESS, Oct. 28, 2016. Copy supplied.

Justice Depends on Rule of Law, MICHIGAN FARM NEWS, Oct. 18, 2016. Copy supplied.

Joshua's Trail Radio, WDTK AM1400, Oct. 15, 2016. Audio supplied.

Issues and Answers with Hal Maas, CUMULUS BROADCASTING, Oct. 11, 2016. Audio supplied.

October 3, 2016: Mitch Lake in the Morning, WMPC-AM Hancock, interview about "Problem Solving Courts" in Michigan. I have no notes, transcript or recording.

Gary Stevens, *State Supreme Court Justice Lauds "Problem-Solving" Courts*, MWC RADIO, Oct. 3, 2016. I have no notes, transcript or recording, but press coverage supplied.

About the Candidates for MI Supreme Court, MICH. CHAMBER OF COMMERCE, Oct. 2016. Copy supplied.

Interview with Greg O'Connor, WKHM-AM, in Mich. (Sept. 30, 2016). Audio supplied.

September 29, 2016: WWJ Newsradio 950 AM, interview with Rob Davidek about "Problem Solving Courts" in Michigan. I have no notes, transcript or recording.

September 29, 2016: WOOD Radio 106.9 FM and 1300 AM, interview with Rob Sanford about "Problem Solving Courts" in Michigan. I have no notes, transcript or recording.

John Nevin, *Probation Supervision Programs in Courts Statewide Awarded More Than \$3 Million in Grants*, MICH. COURTS NEWS RELEASE, Sept. 29, 2016. Press release supplied.

John Nevin, *Mental Health Courts Statewide to Get More Than \$4 Million in Grants*, MICH. COURTS NEWS RELEASE, Sept. 23, 2016. Press release supplied.

Campaign Questionnaire, DETROIT FREE PRESS, Sept. 23, 2016. Copy supplied.

I submitted a candidate questionnaire to the MLIVE Voter Guide. A published copy is not available, but press coverage quoting my entry in the Voter Guide is supplied.

John Nevin, *More Than \$10 Million in Grants Awarded to Michigan Drug and Sobriety Courts*, MICH. COURTS NEWS RELEASE, Sept. 21, 2016. Press release supplied.

John Nevin, *86th District Court Succeeds in Reducing Crime, Making Communities Safer*, MICH. COURTS NEWS RELEASE, Sept. 9, 2016. Press release supplied.

Thomas Novelly, *Viviano, Larsen Want 'Rule of Law,'* HILLSDALE COLLEGIAN, Aug. 31, 2016. Copy supplied.

Barton Deiters, *Court Helps Vets Struggling with Return to Civilian Life*, WOOD TV, July 19, 2016. Copy supplied.

Jennifer Chambers & Jim Lynch, *POTUS Election Could Have 'Huge' Impact on Mich. Judges*, DETROIT NEWS, June 4, 2016. Copy supplied.

May 26, 2016: The Michael Thorp Show on Supertalk 1570 AM. I have no notes, transcript or recording.

Frank Beckmann Radio, WJR 760 AM, May 19, 2016. Audio supplied.

The Latest: Texas Judge Laughs off Being on Trump's List, ASSOCIATED PRESS/BUSINESS INSIDER, May 18, 2016. Copy supplied.

May 17, 2016: Press conference on problem-solving courts cutting crime. Video excerpts supplied.

John Nevin, *Problem-Solving Courts Cut Crime, Save Taxpayers Money, and Reduce Unemployment among Graduates, Says State Report*, MICH. COURTS NEWS RELEASE, May 16, 2016. Press release supplied.

John Nevin, *Michigan Supreme Court Justice Joan L. Larsen Commends Greater Alpena Community for Partnership to Address Neonatal Abstinence Syndrome: "Stories Not Secrets" Video to Help Educate Community About the Risks of Opioid Dependency During Pregnancy*, MICH. COURTS NEWS RELEASE, Apr. 25, 2016. Press release supplied.

The Paul W. Smith Show, WJR 760 AM, Apr. 22, 2016. Audio and news coverage supplied.

John Nevin, *Mentoring Program Led by Women Judges Helps Law School Students*, MICH. COURTS NEWS RELEASE, Mar. 8, 2016. Press release supplied.

Alexis Rosado, *Exclusive: Michigan Supreme Court Justice Reflects on Justice Scalia's Death*, WLNS, Feb. 18, 2016. Copy supplied.

55th District Court Sobriety Court, MICHIGAN SUPREME COURT, Feb. 2, 2016. Audio supplied.

September 30, 2015: Press Conference announcing my appointment to the Michigan Supreme Court, Lansing, Michigan. Video excerpts and press coverage supplied.

Jenny Whalen, *Trio of MLaw Grads Obtain Celebrated Supreme Court Clerkships*, MLAW NEWSROOM, Aug. 18, 2014. Copy supplied.

Lori Atherton, *Michigan Law Surpasses 100 Clerkships for Second Year*, MLAW NEWSROOM, Apr. 2, 2014. Copy supplied.

John Masson, *MLaw Alum Earns Coveted Clerkship*, MLAW NEWSROOM, July 29, 2013. Copy supplied.

John Masson, *MLAW Hits 100 Clerkships for 2013*, MLAW NEWSROOM, June 7, 2013. Copy supplied.

Michigan Law: Prof. Joan Larsen, UNIVERSITY OF MICHIGAN LAW SCHOOL, Apr. 11, 2012. Audio supplied.

Catherine Rampell, *Judges Compete for Law Clerks on a Lawless Terrain*, N.Y. TIMES, Sept. 23, 2011. Copy supplied.

Katie Vloet, *Four Alumni Clerk for the High Court*, LAW QUADRANGLE (Mich.), Fall 2009. Copy supplied.

Clerkships on the Rise, LAW QUADRANGLE (Mich.), Winter 2009. Copy supplied.

Duara Nigel, *Dozens in Postville Face Indefinite Wait*, DES MOINES REGISTER, July 16, 2008. Copy supplied.

Joe Palazzolo, *After 20 Years on the Court, Sentelle Takes Over*, NATIONAL LAW JOURNAL, Feb. 11, 2008. Copy supplied.

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

Justice of the Michigan Supreme Court, appointed in October 2015 and then elected in November 2016.

The Michigan Supreme Court has general superintending control over the entire Michigan state court system. The Court exercises mandatory jurisdiction over certain judicial misconduct cases, and it has discretionary review over all other appeals. It primarily reviews decisions from the Michigan Court of Appeals. It may also review attorney discipline cases, respond to a certified question, or, in limited circumstances, issue an advisory opinion.

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

Since my appointment to the Michigan Supreme Court in October 2015, the Court has handled approximately 3,600 cases. In the vast majority of those cases, the Court denied the appellant's application for leave to appeal. A Westlaw search reveals that of these 3,600 cases, approximately 450 cases were resolved by dispositive order or opinion. Approximately 360 of those cases were criminal proceedings, while approximately 90 were civil proceedings.

- i. Of these, approximately what percent were:

jury trials: N/A
bench trials: N/A

civil proceedings: approximately 20%
criminal proceedings: approximately 80%

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

The majority of Michigan Supreme Court opinions are released toward the end of the Court's term in July. I cannot list or comment on opinions in cases that are currently pending and have not been released.

1. *People v. Seewald*, 879 N.W.2d 237 (Mich. 2016).
 2. *Hodge v. State Farm Mut. Auto. Ins. Co.*, 884 N.W.2d 238 (Mich. 2016).
 3. *Yono v. Dep't of Transportation*, 885 N.W.2d 445 (Mich. 2016).
 4. *Arbuckle v. General Motors, LLC*, 885 N.W.2d 232 (Mich. 2016).
 5. *In re Hicks*, 893 N.W.2d 637 (Mich. 2017).
 6. *In re Application of Consumers Energy Co.*, 876 N.W.2d 566 (Mich. 2016) (dissenting).
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

I have listed the cases in reverse chronological order.

1. *Covenant Med. Ctr. v. State Farm Mut. Auto. Ins. Co.*, ___ N.W.2d ___ (Mich. 2017) (No. 152758).

Nature of the Case: The plaintiff, Covenant Medical Center, brought suit against State Farm Mutual Auto Insurance Company to recover payment under Michigan's no-fault act, MCL 500.3101 *et seq.*, for healthcare services it had provided to State Farm's insured. The insured had previously sued State Farm for no-fault benefits. Shortly before Covenant instituted its suit against State Farm, the insured settled with State Farm and, as part of the settlement agreement, released State Farm from liability for all allowable no-fault expenses. On the basis of this settlement agreement and release, the trial court granted summary disposition in favor of State Farm in the suit with Covenant, concluding that State Farm's obligation to pay Covenant had been extinguished by the settlement. The Michigan Court of Appeals reversed, concluding that healthcare providers have a right independent of the insured to bring a claim against an insurer to recover the cost of their provision of no-fault benefits and that the settlement agreement had not discharged State Farm's liability to Covenant because State Farm had notice of Covenant's claim before State Farm had settled with the insured.

Disposition: The Michigan Supreme Court (with one Justice dissenting and one Justice not participating) reversed the judgment of the Court of Appeals and remanded to the trial court for entry of summary disposition in State Farm's favor. The Court decided that the no-fault act did not grant medical providers a statutory cause of action for reimbursement of the costs of providing medical care to an insured. Although case law from the Michigan Court of Appeals had held that healthcare providers had such a right, the Supreme Court held that those decisions were in error because they had failed to consider the text of the no-fault act. The Court concluded that under the language of the no-fault act, a healthcare provider does not possess a statutory cause of action against a no-fault insurer for the payment of no-fault benefits. As a result, Covenant had no statutory entitlement to proceed with its action against State Farm.

Counsel for appellant (State Farm Mutual):

Jill M. Wheaton
Courtney F. Kissel
Dykema Gossett PLLC
2723 South State Street, Suite 400
Ann Arbor, Michigan 48104
(734) 214-7629

Counsel for appellee (Covenant Medical Center):

Richard E. Hillary II
Christopher J. Schneider
Miller, Johnson, Snell & Cummiskey, P.L.C.
45 Ottawa Avenue, S.W., Suite 1100
Grand Rapids, Michigan 49503
(616) 831-1700

2. *In re Hicks*, 893 N.W.2d 637 (Mich. 2017).

Nature of the Case: The Michigan Department of Health and Human Services (DHHS) sought to terminate the parental rights of a mother who had an intellectual disability. The mother's attorney requested specialized services to accommodate her client's disability, and the court ordered the services. Although the services were never provided, the trial court found that DHHS had made reasonable efforts at reunifying the mother with her children and terminated the mother's parental rights. On appeal, the mother argued that DHHS had failed to make reasonable efforts at reunification because it had not reasonably accommodated her disability, as required by Michigan's Probate Code and the Americans with Disabilities Act (ADA). The Court of Appeals agreed with the mother and reversed the trial court's order terminating the mother's parental rights.

Disposition: In a unanimous opinion, the Michigan Supreme Court affirmed in part the judgment of the Court of Appeals, holding that the trial court had not properly considered whether DHHS had provided reasonable accommodations for the mother's disability. The Court also vacated in part the opinion of the Court of Appeals, concluding that the lower court's opinion spoke too broadly in creating a set of categorical rules regarding what steps DHHS must take in cases involving parents with disabilities. The Court ordered a remand to the trial court for it to analyze, under the proper legal standard, whether DHHS had made reasonable efforts at family reunification.

Under Michigan's Probate Code, DHHS has an affirmative duty to make reasonable efforts to reunify a family before seeking termination of parental rights. The Court recognized that DHHS also has obligations under the ADA that dovetail with its obligations under the Probate Code. Under the ADA, DHHS must reasonably accommodate a parent's disability. Absent reasonable modifications to the standard services or programs offered to a disabled

parent, DHHS has failed in its duty under the ADA to reasonably accommodate a disability and has, in turn, failed in its duty under Michigan law to provide reasonable efforts at reunification. Because, in this case, DHHS knew of the mother's disability, it had a duty to provide reasonable accommodations. The mother's attorney specifically requested services designed to accommodate the mother's disability, and although the court had ordered the services, DHHS never provided them. The Court concluded that the Court of Appeals had correctly determined that the trial court's finding of reasonable efforts could not stand on this record, and that termination of the mother's parental rights was, therefore, improper. The Court remanded the case to the trial court for further proceedings.

Counsel for appellee (Department of Health and Human Services):

Lesley Carr Fairrow
Assistant Attorney General
Dep't of Health & Human Services
3030 West Grand Boulevard, Suite 10-200
Detroit, Michigan 48202
(313) 456-3019

Counsel for appellant (Minor Children):

William Ladd
Michigan Children's Law Center
One Heritage Place, Suite 210
Southgate, Michigan 48195
(734) 281-1900

Counsel for appellee (Mother)

Vivek S. Sankaran
Joshua B. Kay
Child Welfare Appellate Clinic
University of Michigan Law School
701 South State Street, 2023 South Hall
Ann Arbor, Michigan 48109
(734) 763-5000

3. *Hecht v. Nat'l Heritage Acads.*, 886 N.W.2d 135 (Mich. 2016).

Nature of the Case: The plaintiff, a school teacher, brought an action against his private school employer, alleging that the school had terminated his employment on the basis of race in violation of the Michigan Civil Rights Act, MCL 37.2101 *et seq.* The case went to trial. At the close of the plaintiff's case, the defendant school moved for a directed verdict, contending that plaintiff's claim should be understood as a disparate-treatment case and that the plaintiff had failed to adduce sufficient proof of an essential element of the claim: that any of defendant's other employees had engaged in conduct similar to plaintiff's but

had been treated differently. The trial court denied the motion and the case was submitted to the jury, which returned a verdict in favor of the plaintiff. The defendant then made a motion for judgment notwithstanding the verdict, which the trial court denied. The Michigan Court of Appeals affirmed, holding that the plaintiff had presented direct evidence of discrimination sufficient to sustain the verdict and that the arguable failings of the disparate-treatment claim were therefore irrelevant.

Disposition: A majority of the Michigan Supreme Court (with two Justices concurring in part and dissenting in part) affirmed in part, reversed in part, and remanded to the trial court for further proceedings. The Court concluded that the Court of Appeals erred in finding that the plaintiff had presented sufficient direct evidence of discrimination to sustain the verdict. The Court concluded, however, that the plaintiff had presented evidence sufficient to allow a reasonable jury to find for the plaintiff on a disparate-treatment theory; that is, a reasonable jury could have concluded that defendant had applied a different standard to the plaintiff's conduct because of his race. Although the defendant had presented evidence of nondiscriminatory reasons for its decision to terminate the plaintiff, the Court concluded that the evidence would have permitted a reasonable juror to discredit the defendant's proffered nondiscriminatory reasons. The Court thus upheld the jury's finding of liability. Finally, the Court determined that the trial court had acted in violation of a Michigan statute, MCL 380.1230b, by allowing the jury to consider evidence that the plaintiff had been harmed by the defendant's statutorily mandated disclosure of plaintiff's firing to prospective employers. The Court held that the improper admission of the disclosure evidence had tainted the jury's future damages award. The Court, therefore, vacated the future damages award and remanded for further proceedings.

Counsel for appellant (National Heritage Academies):

John J. Bursch
[Then at Warner Norcross & Judd LLP]
Bursch Law PLLC
9339 Cherry Valley Avenue, S.E., #78
Caledonia, Michigan 49316
(616) 450-4235

Dean F. Pacific
Matthew T. Nelson
Warner Norcross & Judd LLP
900 Fifth Third Center
111 Lyon Street, N.W.
Grand Rapids, Michigan 49503
(616) 752-2000

Counsel for appellee (Hecht):

Glen N. Lenhoff
Robert D. Kent-Bryant

Law Office of Glen N. Lenhoff
328 South Saginaw Street
8th Floor, North Building
Flint, Michigan 48502
(810) 235-5660

Michael B. Rizik Jr.
Rizik & Rizik PC
9400 South Saginaw Street, Suite E
Grand Blanc, Michigan 48439
(810) 953-6000

4. *Arbuckle v. General Motors, LLC*, 885 N.W.2d 232 (Mich. 2016).

Nature of the Case: The plaintiff was injured while working for defendant, General Motors. The question was whether Michigan's Worker Disability Compensation Act, MCL 418.101 *et seq.*, permitted coordination of the plaintiff's workers' compensation benefits with his disability pension benefits in light of post-retirement changes made to the plaintiff's plan as a result of collective bargaining. The Michigan Compensation Appellate Commission held that the employer was permitted to coordinate the benefits. The Court of Appeals reversed.

Disposition: The Michigan Supreme Court unanimously reversed the Court of Appeals and reinstated the order of the Michigan Compensation Appellate Commission. The Court first determined that, although the plaintiff had framed his claim as a right to workers' compensation benefits under state law, the Court could not decide the question without interpreting the parties' collective bargaining agreements (CBAs). Because resolution of the plaintiff's claim required the Court to interpret CBAs, the state law claim was preempted by § 301 of the federal Labor Management Relations Act. The Court rejected General Motors' claim that the Court, therefore, lacked jurisdiction over the claim, but determined that federal law governed the dispute. Applying federal law, the Court concluded that none of the CBAs at issue created vested and unalterable rights to uncoordinated benefits for life. Instead, the agreements evinced the parties' intent to reserve the power to alter the plaintiff's right to uncoordinated benefits upon termination or earlier amendment of the agreements. In other words, the right to uncoordinated benefits lasted only so long as the agreements promising them, and those agreements had expired and had been replaced by new agreements that coordinated benefits. As a result, the defendant was permitted to coordinate plaintiff's workers' compensation benefits with his disability pension benefits.

Counsel for appellant (General Motors):

Michelle J. Le Beau
[Then at Ogletree, Deakins, Nash, Smoak & Stewart, P.C.]
TenerTechnologies
701 Woodward Heights, Suite 124

Ferndale, Michigan 48220
(248) 593-5540

Gregory M. Krause
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
34977 Woodward Ave, Suite 300
Birmingham, Michigan 48009
(248) 593-6400

Counsel for appellee (Arbuckle):

Robert J. MacDonald
MacDonald, Fitzgerald & MacDonald, PC
653 South Saginaw Street, Suite 200
Flint, Michigan 48502
(810) 234-2204

5. *Deacon v. Pandora*, 885 N.W.2d 628 (Mich. 2016).

Nature of the Case: The plaintiff (Deacon), a user of the music streaming service Pandora, brought suit in the United States District Court for the Northern District of California, alleging that Pandora had violated Michigan's Preservation of Personal Privacy Act, MCL 445.1711 *et seq.*, by publicly disclosing personal information concerning his music preferences. The federal district court ruled in Pandora's favor, but the United States Court of Appeals for the Ninth Circuit certified the following question to the Michigan Supreme Court: "Has Deacon stated a claim against Pandora . . . by alleging that Pandora is [in] the business of 'renting' or 'lending' sound recordings, and that he is a 'customer' of Pandora because he 'rents' or 'borrows' sound recordings from Pandora?" *See* MCL 445.1711(a) (defining "customer" as a person who rents or borrows a sound recording).

Disposition: The Michigan Supreme Court unanimously concluded that Deacon neither rented nor borrowed sound recordings from Pandora. He did not rent because he did not provide a payment to Pandora in exchange for the recordings. He did not borrow because there was no promise that he would return the recordings or their equivalent to Pandora. Instead, the music service offered by Pandora involved the delivery of a sound recording to the listener. Therefore, the Court concluded that Deacon was not a customer of Pandora under the Michigan statute.

Counsel for appellant (Deacon):

Jay Edelson
Ryan D. Andrews
Edelson PC
350 North LaSalle Street, Suite 1300
Chicago, Illinois 60654
(312) 589-6370

Counsel for appellee (Pandora):

Jill M. Wheaton
Krista L. Lenart
Dykema Gossett PLLC
2723 South State St, Suite 400
Ann Arbor, Michigan 48104
(734) 214-7629

6. *People v. Hall*, 884 N.W.2d 561 (Mich. 2016).

Nature of the Case: The defendant worked for the campaign of a prospective judicial candidate and was tasked with gathering sufficient signatures to allow the candidate's name to appear on the ballot. When the defendant failed to gather the requisite number of signatures, he filled in blank nominating petitions with false names and addresses and submitted those falsified petitions to the Bureau of Elections. The defendant was charged with ten felony counts of forgery under MCL 168.937. The district court refused to bind over the defendant for trial on felony forgery, reasoning that the felony statute did not cover the defendant's conduct. The court did, however, bind the defendant over for trial on ten misdemeanor counts of signing a petition with a name other than his own, under MCL 168.544c(8). The circuit court affirmed the district court's decision, concluding that the misdemeanor statute prevailed over the felony statute because it was more recent and specific. The Michigan Court of Appeals also affirmed, concluding that the two statutes conflicted and that, therefore, the more recent statute must control. The Court of Appeals held, in the alternative, that charging the defendant with the felony would violate his right to due process.

Disposition: The Michigan Supreme Court unanimously reversed the judgment of the Court of Appeals. The Court concluded that the two statutes did not proscribe the same conduct. Rather, the crime of forgery required proof of specific intent to defraud, as nothing in the forgery statute had displaced the common-law rule requiring that element. The misdemeanor statute, on the other hand, did not require specific intent. Because the two statutes contained different elements, there was no need to rely on statutory presumptions to determine the allowable charges. The defendant's conduct was chargeable under either statute; the prosecution could use its broad charging discretion to determine which charges to bring. The defendant's due process argument failed because the forgery statute adequately described the prohibited conduct. It was of no moment that the nominating petitions themselves referenced only misdemeanor penalties. The misdemeanor referenced on the nominating petitions covered different conduct (making a false statement in the circulator's certificate) and the felony statute provided the defendant with clear statutory notice. The lower courts, therefore, erred in concluding that the defendant could not be bound over on the forgery charges. The Court remanded to the district court for further proceedings.

Counsel for appellant (People of the State of Michigan):

Richard L. Cunningham
Assistant Attorney General (Criminal Division)
3030 West Grand Boulevard
Detroit, Michigan 48202
(313) 456-0180

Counsel for appellee (Hall):

Donald H. Hann
Hann Persinger, P.C.
503 Century Lane
Holland, Michigan 49423
(616) 396-1245

7. *People v. Harris*, 885 N.W.2d 832 (Mich. 2016)

Nature of the Case: The question was whether false statements made by law enforcement officers during an internal affairs investigation could be used against them in a criminal prosecution for obstruction of justice. Michigan's Disclosure by Law Enforcement Officers Act (DLEOA), MCL 15.393, provides that "[a]n involuntary statement made by a law enforcement officer, and any information derived from that involuntary statement, shall not be used against the law enforcement officer in a criminal proceeding." The district court determined that the DLEOA precluded admission of the defendants' involuntary statements; and, because the obstruction of justice charges could not be sustained without those statements, the court dismissed those charges but left undisturbed the charges of felony misconduct in office and misdemeanor assault and battery against one of the defendants. The circuit court affirmed, but the Court of Appeals reversed, finding that the DLEOA did not bar the use of the defendants' false statements.

Disposition: The Michigan Supreme Court (with two Justices concurring in part and dissenting in part) reversed the Court of Appeals and reinstated the district court orders dismissing the obstruction of justice charges. The Court recognized that the Legislature had used broad language in the DLEOA, prohibiting "any information" derived from an involuntary statement from being used in a criminal proceeding. And, in contrast to numerous other Michigan statutes concerning the use of compelled testimony, the DLEOA did not expressly limit its scope to truthful statements. This was particularly significant in light of a 1999 Michigan precedent, *People v. McIntire*, and the Legislature's response to it. In *McIntire*, the Court had held that the absence of a modifier (such as "truthful") immunized even false answers under a statute providing that "no person required to answer such questions shall thereafter be prosecuted for any offense concerning which such answers may have tended to incriminate him." The Legislature quickly responded to the *McIntire* decision, amending not only the statute at issue there, but many other immunity statutes, by modifying terms such as "answer," "testimony," and, importantly, "information," with adjectives such as "truthful," thereby signaling in those statutes its intent to immunize only truthful information. When the Legislature passed the DLEOA in

2006, however, it did not modify either “statement” or “information” with a requirement of truthfulness. Given that our precedent had created a rule of construction, which the Legislature had plainly and recently understood and acted upon, the Court held that the best reading of the statute was that all statements, true and false, were immunized under the DLEOA.

Counsel for appellants (Harris and Little):

Steven Fishman
Pamella Szydlak
615 Griswold St, Suite 1125
Detroit, Michigan 48226
(313) 962-4090

Counsel for appellant (Hughes):

John J. Goldpaugh
Goldpaugh & Associates, P.C.
615 Griswold St, Suite 418
Detroit, Michigan 48226
(313) 963-8220

Counsel for appellee (People of the State of Michigan)

David A. McCreedy
Wayne County Prosecutor's Office
1441 St. Antoine, 11th Floor
Detroit, Michigan 48226
(313) 224-3836

8. *Hodge v. State Farm Auto. Ins. Co.*, 884 N.W.2d 238 (Mich. 2016).

Nature of the Case: Michigan has two levels of trial courts: district courts, which hear, among other matters, misdemeanor criminal cases and some civil cases, and circuit courts, which are the trial courts of general jurisdiction. This case required the Michigan Supreme Court to determine the proper application of MCL 600.8301, which grants district courts in Michigan “exclusive jurisdiction in civil actions when the amount in controversy does not exceed \$25,000.00.” The plaintiff sued the defendant for insurance benefits, stating in her complaint that she sought damages “not in excess of \$25,000.” At trial, the plaintiff presented proof of injuries far exceeding the \$25,000 limit, and the jury returned a verdict of approximately \$85,000, which the district court reduced to \$25,000 in damages. The circuit court and Court of Appeals determined that the district court was divested of jurisdiction because the amount in controversy was above the jurisdictional limit.

Disposition: The Michigan Supreme Court unanimously reversed, holding that a district court is not divested of its subject-matter jurisdiction over a complaint alleging an amount

in controversy not exceeding \$25,000, even if the evidence presented at trial indicates that the plaintiff's damages exceed the jurisdictional limit. The amount in controversy is determined by the prayer for relief in a plaintiff's complaint; when a complaint alleges damages not exceeding \$25,000, the district court has subject-matter jurisdiction over that complaint, absent bad faith in the pleadings.

Counsel for appellant (Hodge):

Richard E. Shaw
1880 Shepherds Drive
Troy, Michigan 48084
(248) 703-6424

Counsel for appellee (State Farm):

James F. Hewson
Hewson & Van Hellemont, PC
25900 Greenfield Road, Suite 650
Oak Park, Michigan 48237
(248) 968-5200

Stacey L. Heinonen
[Then at Hewson & Van Hellemont, PC]
Mike Morse Law Firm
24901 Northwestern Highway, Suite 700
Southfield, Michigan 48075
(248) 350-9050

9. *Associated Builders & Contractors v City of Lansing*, 880 N.W.2d 765 (Mich. 2016).

Nature of the Case: Plaintiff brought an action against the City of Lansing, challenging a city ordinance that required contractors performing construction contracts with the City to pay their employees a prevailing wage. The trial court agreed with the plaintiff that the City had exceeded its authority in adopting the ordinance, relying on *Attorney General ex rel Lennane v. Detroit*, 196 N.W. 391 (Mich. 1923), which held that, as a matter of state constitutional law, the setting of wage rates was a matter of state, not local, concern. The Michigan Court of Appeals reversed, concluding that *Lennane* was no longer good law and that the City had constitutional authority to enact the prevailing wage ordinance.

Disposition: The Michigan Supreme Court (with one Justice concurring) affirmed the Court of Appeals and held that developments in the law, most importantly provisions in the 1963 state Constitution, adopted years after *Lennane*, had undercut the foundation on which *Lennane* stood. The Court therefore overruled *Lennane*, finding that changes in the law no longer justified the decision and that reliance interests did not counsel against overruling. The Court clarified, however, that although the Court of Appeals correctly

anticipated that the Supreme Court would overrule *Lennane*, the lower court nonetheless had to follow the precedents of the Michigan Supreme Court until they are clearly overruled or superseded. The Court ultimately concluded that under the 1963 Constitution, the City had the authority to enact the prevailing wage ordinance.

Counsel for appellant (Associated Builders and Contractors):

Kraig M. Schutter
Masud Labor Law Group
4449 Fashion Square Boulevard, Suite 1
Saginaw, Michigan 48603
(989) 792-4499

Counsel for appellee (City of Lansing):

Michael S. Bogren
Plunkett Cooney
950 Trade Center Way, Suite 310
Kalamazoo, Michigan 49002
(269) 226-8822

10. *People v. Seewald*, 879 N.W.2d 237 (Mich. 2016).

Nature of the Case: The question before the Court was what alleged conduct would authorize trial on the peculiar felony charge of “conspiring to commit a legal act in an illegal manner,” MCL 750.157a(d). The defendant and another individual, while working for the campaign of a former Congressman, noticed that several nominating petitions had not been signed by their circulators, as required by Michigan law. *See* MCL 168.544c(5). The defendant and his co-worker agreed to sign the petitions as circulators themselves, even though they had not circulated the petitions. Among other charges, defendant was charged with “conspiring to commit a legal act in an illegal manner.” The defendant moved to quash the information on the ground that he never agreed to commit a legal act. Instead, the defendant claimed that he had conspired to commit an illegal act illegally and, therefore, did not violate MCL 750.157a(d). The circuit court dismissed the charge, concluding that there had been no conspiracy to commit a legal act. The Court of Appeals affirmed.

Disposition: The Michigan Supreme Court unanimously reversed, holding that the district court had properly found probable cause to conclude that the defendant had conspired to commit a legal act in an illegal manner. The Court determined that the statute required proof of an agreement to perform an act that is lawful generally as opposed to one that would be lawful as performed in the particular circumstances of the case. To read the statute otherwise would threaten to drain all meaning from the legal-act prong of the conspiracy statute. As a result, the Court of Appeals had erred by determining that the illegality of the means (signing the petitions falsely) had tainted the ends (submitting the nominating petitions) and had made those ends illegal too.

Counsel for appellant (People of the State of Michigan):

Bruce H. Edwards
Assistant Attorney General (Appellate Division)
P.O. Box 30217
Lansing, Michigan 48909
(517) 373-4875

Counsel for appellee (Seewald):

Keith W. Madden
Fausone Bohn LLP
41700 West Six Mile Road, Suite 101
Northville, Michigan 48168
(248) 380-0000

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *In re Hicks*, 893 N.W.2d 637 (Mich. 2017).

Counsel for appellee (Department of Health and Human Services):

Lesley Carr Fairrow
Assistant Attorney General
Dep't of Health & Human Services
3030 West Grand Boulevard, Suite 10-200
Detroit, Michigan 48202
(313) 456-3019

Counsel for appellant (Minor Children):

William Ladd
Michigan Children's Law Center
One Heritage Place, Suite 210
Southgate, Michigan 48195
(734) 281-1900

Counsel for appellee (Mother):

Vivek S. Sankaran
Joshua B. Kay
Child Welfare Appellate Clinic
University of Michigan Law School

701 S State St, 2023 South Hall
Ann Arbor, Michigan 48109
(734) 763-5000

Counsel for amici curiae (National Disability Rights Network, American Civil Liberties Union of Michigan, the ARC Michigan, and the ARC of the United States):

Jill M. Wheaton
Courtney F. Kissell
Dykema Gossett PLLC
2723 South State Street, Suite 400
Ann Arbor, MI 48104
(734) 214-7629

Counsel for amicus curiae (National Association of Counsel for Children):

James J. Walsh
Amanda J. Frank
Bodman PLC
291 South Division Street, Suite 400
Ann Arbor, Michigan 48104
(734) 761-3790

2. *Yono v. Dep't of Transp.*, 885 N.W.2d 445 (Mich. 2016).

Counsel for appellant (Michigan Department of Transportation):

Kathleen A. Gleeson
Michael J. Dittenber
Assistant Attorneys General (Transportation Division)
425 West Ottawa Street, 4th Floor
Lansing, Michigan 48913
(517) 373-1470

Counsel for appellee (Yono):

L. Page Graves
Smith & Johnson, Attorneys, PC
603 Bay Street, P.O. Box 705
Traverse City, Michigan 49685
(231) 946-0700

Counsel for amici curiae (Michigan County Road Commission Self-Insurance Pool and County Road Association of Michigan):

Gaetan Gerville-Réache

Warner Norcross & Judd LLP
900 Fifth Third Center
111 Lyon Street, N.W.
Grand Rapids, Michigan 49503
(616) 752-2000

John J. Bursch
[Then at Warner Norcross & Judd LLP]
Bursch Law PLLC
9339 Cherry Valley Avenue, S.E., #78
Caledonia, Michigan 49316
(616) 450-4235

Counsel for amicus curiae (Michigan Municipal Risk Management Authority):

Karen M. Daley
[Then at Cummings, McClorey, Davis & Acho, PLC]
Michigan Attorney Discipline Board
211 West Forst Street, Suite 1410
Detroit, Michigan 48226
(313) 963-5553

Counsel for amicus curiae (League of Michigan Bicyclists):

Sarah W. Colegrove
Briggs Colegrove PC
660 Woodward Avenue, Suite 1523
Detroit, Michigan 48226
(313) 964-2077

3. *Arbuckle v. General Motors, LLC*, 885 N.W.2d 232 (Mich. 2016).

Counsel for appellant (General Motors):

Michelle J. Le Beau
Michelle J. Le Beau
[Then at Ogletree, Deakins, Nash, Smoak & Stewart, P.C.]
TenerTechnologies
701 Woodward Heights, Suite 124
Ferndale, Michigan 48220
(248) 593-5540

Gregory M. Krause
Ogletree, Deakins, Nash, Smoak & Stewart, PLLC
34977 Woodward Avenue, Suite 300

Birmingham, Michigan 48009
(248) 593-6400

Counsel for appellee (Arbuckle):

Robert J. MacDonald
MacDonald, Fitzgerald & MacDonald, PC
653 S Saginaw Street, Suite 200
Flint, Michigan 48502
(810) 234-2204

Counsel for amicus curiae (The Michigan Self Insurers' Association):

Gerald M. Marcinkoski
Lacey & Jones LLP
600 South Adams Road, Suite 300
Birmingham, Michigan 48009
(248) 433-1414

Counsel for amicus curiae (The Michigan Association for Justice):

Donald M. Fulkerson
P.O. Box 85395
Westland, Michigan 48185
(734) 467-5620

Barry D. Adler
Adler Stilman PLLC
30300 Northwestern Highway, 3rd Floor
Farmington Hills, Michigan 48334
(248) 855-5090

Counsel for amicus curiae (The Michigan Manufacturers Association):

Cynthia M. Filipovich
Clark Hill PLC
500 Woodward Avenue, Suite 3500
Detroit, Michigan 48226
(313) 965-8300

Matthew W. Heron
[Then at Clark Hill PLC]
Cummings, McClorey, Davis & Acho P.L.C.
33900 Schoolcraft Road
Livonia, Michigan 48150
(734) 261-2400

4. *Hodge v. State Farm Mut. Auto. Ins. Co.*, 884 N.W.2d 238 (Mich. 2016).

Counsel for appellant (Hodge):

Richard E. Shaw
1880 Shepherds Drive
Troy, Michigan 48084
(248) 703-6424

Counsel for appellee (State Farm):

James F. Hewson
Hewson & Van Hellemont, PC
25900 Greenfield Rd, Suite 650
Oak Park, MI 48237
(248) 968-5200

Stacey L. Heinonen
[Then at Hewson & Van Hellemont, PC]
Mike Morse Law Firm
24901 Northwestern Highway, Suite 700
Southfield, Michigan 48075
(248) 350-9050

Counsel for amicus curiae (Auto Club Insurance Association):

James G. Gross
James G. Gross PLC
615 Griswold Street, Suite 723
Detroit, Michigan 48226
(313) 963-8200

5. *People v. Seewald*, 879 N.W.2d 237 (Mich. 2016).

Counsel for appellant (People of the State of Michigan):

Bruce H. Edwards
Assistant Attorney General (Appellate Division)
P.O. Box 30217
Lansing, Michigan 48909
(517) 373-4875

Counsel for appellee (Seewald):

Keith W. Madden

Fausone Bohn LLP
41700 West Six Mile Road, Suite 101
Northville, Michigan 48168
(248) 380-0000

Counsel for amicus curiae (The Prosecuting Attorneys Association of Michigan):

Joshua Van Laan
Macomb County Prosecutor's Office
One South Main Street, 4th Floor
Mount Clemens, Michigan 48043
(586) 469-5350

6. *In re Application of Consumers Energy Co.*, 876 N.W.2d 566 (Mich. 2016)
(*dissenting*).

Counsel for appellant (TES Filer City Station Limited Partnership):

David E. S. Marvin
Fraser Trebilcock Davis & Dunlap, PC
124 West Allegan Street, Suite 1000
Lansing, Michigan 48933
(517) 377-0825

Counsel for appellee (Michigan Public Service Commission):

Steven D. Hughey
Lauren D. Donofrio
Assistant Attorneys General
Michigan Public Service Commission
7109 West Saginaw Highway, 3rd Floor
Lansing, Michigan 48917
(517) 284-8140

Counsel for appellee (Attorney General):

John A. Janiszewski
Robert P. Reichel
Donald E. Erickson
Assistant Attorney Generals
Environmental, Natural Resources, & Agriculture Division
525 West Ottawa Street
P.O. Box 30755
Lansing, Michigan 48909
(517) 373-7540

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

To the best of my knowledge, the following are the cases resolved by the Michigan Supreme Court, during my time on the Court, by either dispositive order or opinion in which certiorari was requested. In none of these has certiorari been granted.

People v. Edwards, 870 N.W.2d 721 (Mich. 2015), *cert. dismissed*, 136 S Ct 1731 (2016).

People v. Valdez, 871 N.W.2d 707 (Mich. 2015), *cert. denied*, 136 S. Ct. 2380 (2016).

People v. Uyeda, 870 N.W.2d 564 (Mich. 2015), *cert. denied*, 136 S. Ct. 2507 (2016).

People v. Zahraie, 875 N.W.2d 212 (Mich. 2016), *cert. denied*, 137 S. Ct. 115 (2016).

People v. Dunbar, 879 N.W.2d 229 (Mich. 2016), *cert. denied*, 137 S. Ct. 161 (2016).

Altobelli v. Hartman, 884 N.W.2d 537 (Mich. 2016), *cert. denied*, 137 S. Ct. 580 (2016).

In re Dorsey, 888 N.W.2d 61 (Mich. 2016), *cert. denied*, ___ S. Ct. ___ (May 22, 2017) (16-8592).

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

None.

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

None.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

Associated Builders & Contractors v. City of Lansing, 880 N.W.2d 765 (Mich. 2016).

People v. Hall, 884 N.W.2d 561 (Mich. 2016).

People v. Franklin, ___ N.W.2d ___ (Mich. 2017) (No. 152840).

People v. Radandt, 882 N.W.2d 533 (Mich. 2016) (joining a dissent from denial of leave to appeal).

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

I have never sat by designation on a federal court.

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

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

In each case that comes before the Michigan Supreme Court, I am mindful that I "must avoid all impropriety and appearance of impropriety." Michigan Code of Judicial Conduct, Canon (2)(A). Together with my staff, I assess the necessity of recusal by carefully examining whether any of the potential disqualification factors set forth in MCR 2.003(C) are met.

To the best of my knowledge, since I was appointed to the Michigan Supreme Court, I have declined to participate in nine cases. In seven of those cases, the Court had considered the case before I assumed office and my vote was not outcome-determinative; therefore, in keeping with the practice of other new Justices on the Court, I did not participate. Those cases are: *People v. Triplett*, 878 N.W.2d 811 (Mich. 2016); *Elher v. Misra*, 878 N.W.2d 790 (Mich. 2016); *Pace v. Edel-Harrelson*, 878 N.W.2d 784 (Mich. 2016); *People v. Lewis*, 870 N.W.2d 71 (Mich. 2015); *King v. Park West Galleries, Inc.*, 870 N.W.2d 70 (Mich. 2015); *People v. Uribe*, 869 N.W.2d 861 (Mich. 2015); *Magdich & Assocs., PC v. Novi Dev. Assocs., LLC*, 869 N.W.2d 858 (Mich. 2015).

The other two matters in which I recused are listed below:

Attorney General v. Bd. of State Canvassers, 887 N.W.2d 782 (Mich. 2016) [related cases, *Attorney General v. Bd. of State Canvassers*, 887 N.W.2d 786 (Mich. 2016); *Trump v. Bd. of State Canvassers*, 887 N.W.2d 786 (Mich. 2016)].

Then-President-elect Donald J. Trump and the Michigan Attorney General sought to halt Green Party candidate Dr. Jill Stein's petition to recount votes cast in Michigan in the November 8, 2016 general election for the Office of President of the United States. Dr. Stein made a motion for my recusal due to my inclusion on a list circulated by President Trump or his campaign of 21 possible nominees to fill the vacancy on the United States Supreme Court created by the untimely passing of Justice Antonin Scalia. Although I did not seek inclusion on the list, had no notice of my inclusion before its publication, and had no contact with the then-President-elect, or his campaign, regarding the vacancy, I granted the motion because I concluded that my appearance on the list and the then-President-elect's presence as a party in the cases created an appearance of a conflict requiring my disqualification.

Kraus v. Gerou, 872 N.W.2d 697 (Mich. 2016).

I recused myself from this child-custody matter because of a prior acquaintance with the parties involved in the matter. I was not asked to recuse myself, but I did so on my own accord upon recognition of the parties involved.

To the best of my knowledge, there has never been an occasion in which a party has requested my recusal in which I have declined to recuse.

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.

Deputy Assistant Attorney General (2002 – 2003), Office of Legal Counsel, United States Department of Justice, Washington, District of Columbia; appointed by Attorney General John Ashcroft.

I have never had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have never held any office or leadership position in a political party or election committee. Before my own election to the Michigan Supreme Court in 2016, my involvement in politics consisted of minor volunteer roles in the presidential campaigns of two candidates:

Bob Dole for President, 1996 – To the best of my recollection, I drafted or edited one or two white papers/position papers, from facts supplied by the campaign.

Joe Biden for President, 1987 – To the best of my recollection, during the summer of 1987, I did some low-level volunteer work (stuffing envelopes, making phone calls) for the campaign in Iowa.

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

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

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

From 1993 to 1994, I served as a law clerk to the Honorable David B. Sentelle, Circuit Judge of the United States Court of Appeals for the District of Columbia Circuit.

From 1994 to 1995, I served as a law clerk to the Honorable Antonin Scalia, Associate Justice of the Supreme Court of the United States.

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

I have never practiced law alone.

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

1995 –1997
Sidley Austin LLP
1501 K Street, N.W.
Washington, District of Columbia 20005
Associate

Spring 1998
Northwestern University School of Law

357 East Chicago Avenue
Chicago, Illinois 60611
Visiting Assistant Professor

1998 –2001
University of Michigan Law School
625 South State Street
Ann Arbor, Michigan 48109
Visiting Professor of Law

2002 – 2003
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, District of Columbia 20002
Deputy Assistant Attorney General

2003 – present
University of Michigan Law School
625 South State Street
Ann Arbor, Michigan 48109
Special Counsel to the Dean and Lecturer in Law (2015)
Special Counsel to the Associate Dean and Lecturer in Law (2003 – 2014)
Adjunct Professor of Law (2015 – present)

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

I have never served as a mediator or arbitrator.

b. Describe:

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

I became a Justice on the Michigan Supreme Court in October 2015, marking a new stage in my legal career. On the Court, I deal with a broad range of legal questions, including criminal, civil, and administrative matters.

Before my appointment to the Michigan Supreme Court (from 1998 to 2001 and 2003 to 2015), I was a faculty member and administrator at the University of Michigan Law School. During that time, my teaching and writing focused primarily on constitutional law and criminal procedure. I also headed the law school's judicial clerkship program, supervised the Campbell Moot Court competition, and spearheaded, individually and later as part of a committee, the law school's efforts to place alumni in academic careers. I also spent one

semester teaching constitutional law as a Visiting Assistant Professor at Northwestern University School of Law.

From January 2002 to May 2003, I took some time away from teaching to serve as Deputy Assistant Attorney General in the Office of Legal Counsel (OLC), United States Department of Justice. At OLC, I provided legal advice to the White House, other components of the Justice Department, and various federal agencies. This work routinely involved difficult questions of statutory and constitutional interpretation.

From 1995 to 1997, I was a litigation associate in the Washington, D.C. office of Sidley Austin. I spent the bulk of one year as part of a team that successfully tried a large breach of contract damages action against the United States. I also worked on a variety of civil and criminal litigation matters at both the trial and appellate stages.

From 1994 to 1995, I served a law clerk to the Hon. Antonin Scalia on the Supreme Court of the United States, and from 1993 to 1994, I clerked for the Hon. David B. Sentelle on the U.S. Court of Appeals for the D.C. Circuit.

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

I represented private clients only while I was an associate at Sidley Austin. Those clients were mostly business entities or professionals involved in civil litigation but also included both indigent and white-collar criminal defendants.

- 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.

As a litigation associate at Sidley Austin between 1995 and 1997, I was involved in numerous litigation matters. Most notably, I was part of a trial team in a case that was in trial for thirteen months; I was in court daily for long stretches of that time. I did not enter a formal appearance in court, however.

- i. Indicate the percentage of your practice in:
 - 1. federal courts: 100%
 - 2. state courts of record: 0%
 - 3. other courts: 0%
 - 4. administrative agencies: 0%
- ii. Indicate the percentage of your practice in:
 - 1. civil proceedings: approximately 80%
 - 2. criminal proceedings: approximately 20%

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

I was a part of a trial team that successfully tried a large breach of contract damages suit against the United States, resulting in a \$381 million judgment for our client, after appeal and remand. My role would best be described as associate counsel.

- i. What percentage of these trials were:

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

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

I have not practiced before the Supreme Court of the United States.

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:

- the date of representation;
- the name of the court and the name of the judge or judges before whom the case was litigated; and
- the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

Most of my legal career has been devoted to teaching, government service, and my current service as a Justice of the Michigan Supreme Court. I began my career as a litigation associate at Sidley Austin, Washington, D.C., and the matters listed below reflect my litigation experience from that time (1995 to 1997). Please note that these matters were litigated nearly two decades ago. I have attempted, to the best of my ability, to provide accurate descriptions of all matters, based on my recollection, searches of Westlaw and online court records, and conversations with the attorneys with whom I worked. I have provided current addresses and telephone numbers for co-counsel and opposing counsel where it was possible to locate that information.

- Glendale Federal Bank v. United States*, 43 Fed. Cl. 390 (1999) (Judge Loren A. Smith).

I was a part of the trial team in this case which produced a \$381 million judgment for our

client, after appeal, *see* 239 F.3d 1374 (Fed. Cir. 2001), and remand, *see* 54 Fed. Cl. 8 (2001), *aff'd*, 378 F.3d 1308 (Fed. Cir. 2004). The case was in trial for 13 months on the question of the amount of damages owed to our client after the Supreme Court of the United States determined that the government had breached contractual obligations to our client through passage of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA). *See United States v. Winstar*, 518 U.S. 839 (1996). I assisted in formulating our client's theory of damages and drafted portions of the briefing on our damages theories. When the case went to trial, I assisted in witness preparation, prepared cross-examination, conducted legal research and assisted in the drafting of various briefs and motions. I was no longer with the firm when the judgment was appealed and remanded.

Co-Counsel:

Richard D. Bernstein
[Then at Sidley Austin LLP]
Willkie Farr & Gallagher, LLP
1875 K Street N.W.
Washington, District of Columbia 20006
(202) 303-1108

Ronald W. Stevens
[Then at Kirkpatrick & Lockhart]
K&L Gates
10100 Santa Monica Boulevard, Suite 300
Los Angeles, California 90067
(310) 552-5000

Jerry Stouck
[Then at Spriggs & Hollingsworth]
Greenberg Traurig, LLP
2101 L Street N.W., Suite 1000
Washington, District of Columbia 20037

Opposing Counsel:

Jeanne E. Davidson
U.S. Department of Justice, Civil Division
Commercial Litigation Branch
1100 L Street, N.W.
Washington, District of Columbia 20530
(202) 307-6288

Tarek Sawi
[Then at U.S. Department of Justice]
Office of the Comptroller of the Currency
250 E Street, S.W.

Washington, District of Columbia 20219
(202) 778-9256

2. *In re Williams*, 215 B.R. 289 (D.R.I. 1997) (Judge Mary M. Lisi).

In this case, we were retained by the U.S. Department of Justice as outside counsel to represent an attorney in the Tax Division in an appeal of discovery sanctions imposed by a federal bankruptcy court. In addition to imposing sanctions, the bankruptcy judge had enjoined the attorneys from seeking reimbursement of the sanctions from his employer, the United States. As I recall, I conducted legal research and drafted the brief on appeal; however, we retained local counsel to file and argue the appeal. The district court concluded that the bankruptcy judge had erred in concluding that our client had violated the discovery rules and vacated the monetary sanction against him. I was no longer with the firm when the case was further appealed to the United States Court of Appeals for the First Circuit. *See* 156 F.3d 86 (1st Cir. 1998).

Co-counsel:

Carter G. Phillips
Sidley Austin LLP
1501 K Street, N.W.
Washington, District of Columbia 20005
(202) 736-8270

Robert B. Mann
Robert B. Mann Law Office
1 Turks Head Place, Suite 610
Providence, Rhode Island 02903
(401) 213-9999

Opposing Counsel:

As the debtor had no justiciable interest in the bankruptcy judge's sanctions order (not payable to the debtor), I do not remember the debtor participating in the appeal to the district court. However, Westlaw lists the following attorney as having been counsel for the debtor:

Andrew S. Richardson
Boyajian, Harrington & Richardson
182 Waterman Street
Providence, Rhode Island 02906
(401) 273-9600

3. *Singley v. United States*, No. 94-CF-213 (D.C. Ct. App. 1996) (Judges Ferren, Schwelb, and King).

This was a pro bono appointed case from the D.C. Court of Appeals. We represented Mr. Singley on appeal from his convictions on multiple homicide, firearm, and narcotics charges. We raised two principal arguments on appeal: insufficiency of the evidence and violation of the multiple punishments component of the Double Jeopardy Clause. We prevailed on the Double Jeopardy argument on appeal, while the sufficiency argument was unsuccessful. Accordingly, the appellate court affirmed the convictions on most counts but vacated the felony murder conviction.

Co-counsel:

Jeffrey T. Green
Sidley Austin
1501 K Street, N.W.
Washington, District of Columbia 20005
(202) 736-8291

Opposing counsel:

Hon. John R. Fisher
[Then at U.S. Department of Justice]
District of Columbia Court of Appeals
430 E Street, N.W.
Washington, District of Columbia 20001
(202) 879-2700

4. *United States v. Sinskey*, 4:96-cr-40010-LLP-1 (D. S.D. 1996).

This matter involved the criminal investigation, and later prosecution, of our client and his co-defendant for violations of the federal Clean Water Act. Our client was the manager of a meat-packing plant, whom the government suspected of knowingly manipulating and falsifying wastewater treatment test results and discharging a pollutant into the waters of the United States. I worked on this matter only at the Grand Jury investigation and early trial preparation stage. Our client and his co-defendant were ultimately indicted. They were tried and acquitted on some counts and convicted on others in the U.S. District Court for the District of South Dakota (Judge Lawrence L. Piersol). Their convictions were affirmed on appeal. *United States v. Sinskey*, 119 F.3d 712 (8th Cir. 1997).

Co-counsel:

Jeffrey T. Green
Thomas C. Green
Mark D. Hopson
Sidley Austin LLP
1501 K Street, N.W.
Washington, District of Columbia 20005
(202) 736-8291

Counsel for Co-defendant:

David C. Finn
[Then at Davis Polk & Wardell]
App Esteem Corporation
655 156th Avenue, S.E., Suite 275
Bellevue, Washington 98007
(206) 972-2061

Opposing counsel:

David M. Uhlmann
[Then at U. S. Department of Justice]
University of Michigan Law School
625 South State Street
Ann Arbor, Michigan 48104
(734) 764-7362

Dennis R. Holmes
U.S. Attorney's Office, South Dakota
P.O. Box 2638
Sioux Falls, South Dakota 57101

5. *AT&T v. Bell Atlantic*, No. 96-cv-957-REP (E.D. Va. 1996) (Judge Robert Payne).

We represented AT&T in a suit alleging false advertising under the Lanham Act. AT&T obtained a temporary restraining order against Bell Atlantic, which was later vacated. Defendant filed a motion for sanctions, which we successfully defended. I conducted legal research and wrote sections of various briefs in the proceedings. The matter settled, and the case was dismissed on September 30, 1996.

Co-counsel:

Joseph R. Guerra
Michael D. Warden
Sidley Austin LLP
1501 K Street, N.W.
Washington, District of Columbia 20005
(202) 736-8000

Opposing counsel:

John P. Corrado
[Then at Morrison & Foerster LLP]
Baker & Hostetler

1050 Connecticut Avenue, N.W.
Washington, District of Columbia 20036-5303
(202) 861-1564

Steven T. Webster
Webster Book LLP
300 North Washington Street, Suite 404
Alexandria, Virginia 22314
(888) 987-9991

6. *County of Orange v. KPMG Peat Marwick, et al.* No. 8:96-cv-00163-GLT (C.D. Cal.)
(Judge Gary L. Taylor).

In the wake of the Orange County bankruptcy, Orange County, California, and three other municipalities, sued Orange County's former auditor, KPMG Peat Marwick (KPMG) in federal bankruptcy court alleging that KPMG was negligent in failing to warn Orange County of the risks in its investment portfolio. We represented KPMG. My involvement in the case centered primarily on a motion to withdraw the reference from the bankruptcy court. The federal district court denied the motion. I then worked on preparation for filing an interlocutory appeal, conducting research and preparing draft pleadings involving the collateral order doctrine and certification under 28 U.S.C. §1292(b). In the meantime, we filed a motion for reconsideration and a motion to withdraw the reference for purpose of hearing a motion to dismiss for lack of personal jurisdiction. The district court withdrew the reference of the matter to the bankruptcy court. After further proceedings, the case settled in 1998.

Co-counsel:

Theodore N. Miller
Sidley Austin LLP
555 West Fifth Street, Suite 4000
Los Angeles, California 90013
(213) 896-6000

Robert D. McLean
Sidley Austin LLP
Bank One Plaza
One South Dearborn Street
Chicago, Illinois 60603

Richard Bernstein
[Then at Sidley Austin LLP]
Willkie Farr & Gallagher, LLP
1875 K Street, N.W.
Washington, District of Columbia 20006
(202) 303-1108

Opposing counsel:

J. Michael Hennigan
Michael Swartz
[Then at Hennigan, Mercer & Bennett]
McKool Smith Hennigan
One California Plaza
300 South Grand Avenue, Suite 2900
Los Angeles, California 90071
(213) 694-1002

7. *Belvedere Ins. Co. v. John T. Schwieters, et al.* Case No. 1:95-CV-01728 (D.D.C. 1996)
(Judge Thomas F. Hogan).

This matter involved a dispute between the accounting firm Arthur Andersen and one of its insurers over coverage issues. Belvedere filed suit in the United States District Court for the District of Columbia against Mr. Schwieters, as a representative of the partners of Arthur Anderson, seeking a determination with respect to its insurance obligations. As there was no connection between the facts of the case and either the District of Columbia or Mr. Schwieters, we moved to dismiss the complaint on grounds of forum non conveniens. The magistrate judge instead transferred the case to the United States District Court for the Northern District of Illinois. That ended my direct involvement in the matter. The case was docketed in the U.S. District Court for the Northern District of Illinois as *Belvedere Ins. Co. v. John T. Schwieters*, No. 96-cv-5314 (Judge Gettleman). There was also a suit on the same issue brought by Arthur Andersen in the Circuit Court of Cook County, Illinois, County Department, Law Division, *Arthur Andersen & Co. SC v. Belvedere Ins. Co.*, No. 95-L-17398 (Judge Levin). The case settled in early 1997.

Co-Counsel:

Alan C. Geolot
Sidley Austin LLP
1501 K Street, N.W.
Washington, District of Columbia 20005
(202) 736-8250

Opposing Counsel:

Ronald R. Massumi
[Then at Tighe, Patton, Tabakman & Babbin, LLP]
Eversheds Sutherland (US) LLP
700 Sixth Street, N.W.
Washington, District of Columbia 20001

8. *AT&T v. Puerto Rico Tel. Co.*

This matter involved a dispute that arose in 1996 between AT&T and Puerto Rico Telephone Company relating to uncollectible charges, bad debts, and write-offs associated with unauthorized calling centers and residential businesses established to facilitate international calls for customers. We represented AT&T in connection with this dispute, interviewed relevant AT&T personnel in Puerto Rico and reviewed books and records relating to uncollectible charges and write-offs in anticipation of arbitration. The matter settled in 1997, prior to the filing of the arbitration demand.

Co-Counsel:

Peter Keisler
Alan C. Geolot
Sidley Austin LLP
1501 K Street, N.W.
Washington, District of Columbia 20005
(202) 736-8000

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

As a Justice of the Michigan Supreme Court, my colleagues and I are responsible for supervision of the Michigan court system. This includes responsibility for the adoption of administrative orders, court rules, rules of evidence, rules of professional conduct, the code of judicial conduct, and rules that govern the State Bar of Michigan. We also name the chief judges of the trial courts and appoint individuals to serve on a variety of committees. We hold public hearings on administrative matters at least three times a year. During my time on the Court, we have adopted, or submitted for public comment, numerous rule changes, including amending rules regarding indigent defendants' ability to pay, and approving the standards of the Michigan Indigent Defense Commission, designed to improve indigent defense throughout the state. I have also recently begun service as the state court representative on the federal Advisory Committee on Criminal Rules.

I serve as the liaison from the Michigan Supreme Court to our state's problem-solving courts: veterans courts, drug courts, sobriety courts, and mental health courts. Michigan is a national leader in problem solving courts, which seek to break the cycle of abuse, dependency, and incarceration that often results from an underlying addiction, untreated mental health problems, or trauma arising from military service.

Much of my career has been devoted to the teaching and mentoring of law students and recent graduates. At the University of Michigan Law School, my teaching and scholarship

focused primarily on constitutional law and criminal procedure. Outside of the classroom, I ran the judicial clerkship program at the law school, assisting hundreds of students and alumni to find rewarding post-graduation clerkship experiences. I also spearheaded a program, first individually and then as part of a committee, to assist our alumni to successfully navigate the market for academic careers. Finally, I continue to serve as faculty supervisor of the Campbell Moot Court board and competition.

In 2013, I served as an expert consultant to federal Bankruptcy Judge Steven Rhodes to assist him with constitutional issues presented in the Detroit bankruptcy.

As Deputy Assistant Attorney General in the Department of Justice Office of Legal Counsel, I worked on a wide variety of matters involving complex questions of constitutional, statutory, and regulatory interpretation. This work consisted of providing advice to the White House, to other components of the Justice Department, and to executive agencies, either orally or in the form of written opinions. My work also involved reviewing proposed executive orders for form and legality, and reviewing proposed legislation for constitutionality.

I have never performed lobbying activities for any client or organization.

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

In the fall terms of 2013 and 2014, along with part of the fall term of 2015, I taught a course at the University of Michigan Law School entitled "Legislation and Regulation." Most recent syllabus supplied.

In the fall terms of 1999, 2000, 2005, and 2006, as well as the winter terms of 2004 and 2007 through 2015, I taught a course at the University of Michigan Law School entitled "Criminal Procedure: Bail to Post-Conviction Review." Most recent syllabus supplied.

In the spring term of 1998 at Northwestern University School of Law, the winter terms of 1999 through 2001 and 2004 through 2007 at the University of Michigan Law School, and the fall terms of 2001, 2003, and 2007 through 2012 at the University of Michigan Law School, I taught a course entitled "Introduction to Constitutional Law." Most recent syllabus supplied.

In the summer term 2006 at the University of Iowa College of Law, along with fall term 2009 and winter terms 2007 through 2009 and 2011 through 2013, at the University of Michigan Law School, I taught a course entitled "Presidential Power." Most recent syllabus supplied.

In the winter term of 2000 at the University of Michigan Law School, I taught a course entitled "Comparative Constitutional Law." The course looked at constitutional structures and rights in a comparative perspective. I have been unable to locate a copy of the syllabus.

In the fall term of 2008, I taught a mini-seminar at the University of Michigan Law School entitled "Mini-Seminar: John Adams." I have been unable to locate a copy of the syllabus, but have supplied a course description.

In the summer of 2001, I taught a course entitled "Introductory Course in American Constitutional Law," as part of the American Law Introductory Courses (ALICS), a joint program of University of Michigan Law School and Atlantische Akademie Rheinland-Pfalz, Kaiserslautern, Germany. Syllabus provided.

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 teaching as an adjunct professor at the University of Michigan Law School, consistent with my workload and responsibilities to the court. 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).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I would recuse myself from any matter in which a judgment of the Michigan Supreme Court, rendered or considered during my tenure on the Court, would be under review by the U.S. Court of Appeals for the Sixth Circuit. This would most likely occur, if at all, through a petition filed pursuant to 28 U.S.C. § 2254. In addition, my husband occasionally acts as an expert witness or consultant in litigation matters. I would recuse myself from any case in which my husband participated as a witness, consultant, or otherwise. I would evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case by case basis and, with input from the parties and their counsel, determine appropriate action, including recusal where necessary.

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

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

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

As a Justice of the Michigan Supreme Court, I do not represent clients. I have, however, devoted substantial efforts to supporting our Veterans, Drug, Sobriety, and Mental Health Court programs, which seek to break the cycle of dependency, abuse, and incarceration, among those dealing with addiction, mental health problems, or the return from military service.

As a professor at the University of Michigan Law School, I volunteered many hours to refining the appellate arguments of students participating in a clinic that represents indigent defendants in criminal appeals in the U.S. Court of Appeals for the Sixth Circuit. This took the form of giving advice regarding criminal procedure issues, forming appellate strategy, participating in moot arguments, and, occasionally, reading and commenting on drafts of briefs. In addition, I regularly participated in oral argument preparation (and sometimes provided brief-writing advice) for litigants preparing to argue cases in the U.S. Court of Appeals or, more often, in the Supreme Court of the United States. The clients in these cases were often indigent criminal defendants, although I also participated in brief and argument preparation on behalf of prosecutors in (unrelated) criminal cases.

In private practice, I briefed a pro bono appeal in the D.C. Court of Appeals on behalf of

an indigent criminal defendant, winning partial relief for our client on double jeopardy grounds.

Outside the legal field, I have been engaged in many sustained volunteer efforts in the community to serve the disadvantaged. Some examples include assisting with facilities improvements and special programming for children and their parents at a preschool for at-risk children, providing meals for families of children hospitalized at Mott's Children's Hospital, and building a playground for homeless children residing at Ann Arbor's shelter for homeless families.

26. Selection Process:

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

Since March 9, 2017, I have been in contact with officials from the White House Counsel's Office and the Department of Justice Office of Legal Policy about a potential federal judicial appointment. On April 27, 2017, I interviewed with White House Counsel Don McGahn in Washington, D.C. On May 8, 2017, the President submitted my nomination to the Senate.

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

No.