UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Lee Philip Rudofsky

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

United States Circuit Judge for the Eighth Circuit

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

Office: Richard Sheppard Arnold United States Courthouse
500 West Capitol Avenue, Room D157
Little Rock, Arkansas 72201

Residence: Conway, Arkansas

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

1979; New York, New York

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.

2002 – 2005, Harvard Law School; J.D., 2005

2000 – 2002, Cornell University; M.P.A., 2002

1997 – 2001, Cornell University; B.S., 2001

December 2000 – May 2001, University of Haifa (Cornell University Semester Abroad Program); no degree

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.

2019 – present
United States District Court for the Eastern District of Arkansas
Richard Sheppard Arnold United States Courthouse
500 West Capitol Avenue
Little Rock, Arkansas 72201
United States District Judge

2026
University of Arkansas at Little Rock William H. Bowen School of Law
1201 McMath Avenue
Little Rock, Arkansas 72202
Adjunct Professor

2018 – 2019; 2014 – 2015
Walmart Inc.
1 Customer Drive
Bentonville, Arkansas 72712
Senior Director, Global Anti-Corruption Compliance Team (2018 – 2019)
Assistant General Counsel, Corporate Affairs & Government Relations (2014 – 2015)

2017 – 2019
University of Arkansas School of Law
1045 West Maple Street
Fayetteville, Arkansas 72701
Adjunct Professor

2015 – 2018
Arkansas Attorney General's Office
Bob R. Brooks Jr. Justice Building
101 West Capitol Avenue
Little Rock, Arkansas 72201
Solicitor General of Arkansas

2013 – 2014; 2010 – 2012; 2007 – 2009; Summer 2004
Kirkland & Ellis, LLP
1301 Pennsylvania Avenue, Northwest
Washington, District of Columbia 20004
Senior Associate (2013 – 2014)
Associate (2010 – 2012; 2007 – 2009)
Summer Associate (Summer 2004)

2012
Mitt Romney for President 2012 (non-operational)
Deputy General Counsel and Director of Legal Election Day Operations

2010
Steve Poizner for Governor (non-operational)
Campaign Compliance Group
Deputy General Counsel and Acting General Counsel

Fall 2009
Borgeson & Burns P.C. (now closed)
Associate

Spring 2009
George Mason University Antonin Scalia Law School
3301 Fairfax Drive
Arlington, Virginia 22201
Adjunct Professor

2006 – 2007
Judge Andrew Kleinfeld (deceased)
United States Court of Appeals for the Ninth Circuit
Law Clerk

2005 – 2006
Justice Robert Cordy (retired)
Supreme Judicial Court of Massachusetts
Law Clerk

2001 – 2002
Kaplan, Inc. (Ithaca, New York location closed)
LSAT, GRE, GSAT, and SAT Instructor

Summer 2002
Jewish Institute for National Security Affairs
1101 Fourteenth Street, Northwest, Suite 1030
Washington, District of Columbia 20005
Summer Intern

Summer 2001
Meister Seelig & Fein LLP (now Meister Seelig & Schuster PLLC)
125 Park Avenue, Seventh Floor
New York, New York 10017
Legal Intern

Other Affiliations (uncompensated)

2021 – present
Judicial Education Institute

113 Colonnade Avenue
Lexington, Virginia 24450
Member of the Board of Directors

2022 – present
The Catholic University of America Columbus School of Law
3600 John McCormack Road, Northeast
Washington, District of Columbia 20064
Judicial Clerkship Opinion Writing Conference Faculty

2026
Jewish Federation of Arkansas
7901 West Capitol Avenue
Little Rock, Arkansas 72205
Member of the Board of Directors

2022 – 2023
Congregation B'nai Israel
3700 North Rodney Parham Road
Little Rock, Arkansas 72212
Hebrew School Teacher

2018 – 2020
Cornell University Council
Division of Alumni Affairs and Development
130 East Seneca Street, Suite 400
Ithaca, New York 14850
Member

2016 – 2019
Arkansas Advisory Committee to the United States Commission on Civil Rights
1331 Pennsylvania Avenue, Northwest, Suite 1150
Washington, District of Columbia 20425
Parliamentarian (2017 – 2019)

2016 – 2017
Arkansas Bar Commission on Diversity
Arkansas Bar Association
1401 West Capitol Avenue, Suite 170
Little Rock, Arkansas 72201
Co-Chair

2014 – 2019
Congregation Etz Chaim of Northwest Arkansas (now closed)
Executive Vice-President (2017 – 2019)
Congregational Member of Board of Directors (2014 – 2015)

2014
Tom Cotton for Senate
1300 West Sixth Street
Little Rock, Arkansas 72201
Volunteer Lawyer

2011 – 2013
Jewish Institute for National Security Affairs
1101 Fourteenth Street Northwest, Suite 1030
Washington, District of Columbia 20005
Vice Chairman, Young Leadership Council

2008 – 2012
Ivy Council
Columbia University
116th Street & Broadway
New York, New York 10027
Member of the Board of Directors

Fall 2008
John McCain for President (non-operational)
Volunteer Lawyer

2007 – 2008
Romney for President Judicial Advisory Committee (non-operational)
Member

Summer 2005
United States Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, District of Columbia 20510
Short-term Volunteer Law Clerk for Committee Majority Staff

2003 – 2004
Office of Counsel to the Governor of Massachusetts
Massachusetts State House
24 Beacon Street
Boston, Massachusetts 02133
Law Clerk

Summer 2003
Office of Counsel to President of the United States
Eisenhower Executive Office Building
1650 Pennsylvania Avenue, Northwest
Washington, District of Columbia 20502

Law Clerk

Spring 2003
Professor Mary Ann Glendon
Harvard Law School
1585 Massachusetts Avenue
Cambridge, Massachusetts 02138
Research Assistant

Fall 2002 – Winter 2003
Justus Reid Weiner (deceased)
Jerusalem Center for Public Affairs
Jerusalem, Israel (remote work)
Research Assistant

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 United States military. I registered for the selective service upon turning 18.

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

Rodel Judicial Fellowship (2025 – present)

Cornell University Council (2018 – 2020)

Judge Henry Woods Chapter of the American Inns of Court (2017 – present)

Harvard Journal of Law and Public Policy (2002 – 2005)
Assistant Articles Editor (2004 – 2005)
Senior Editor (2003 – 2004)
Editor (2002 – 2003)

Cornell University Dean's List (Fall 1997, Spring 1998, Fall 1998, Spring 2000, Fall 2000)

Outstanding Service Award from Haifa University (Semester Abroad Program) for mentoring Ethiopian immigrants to Israel (2001)

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.

Rodel Judicial Fellowship (2025 – present)

Judicial Education Institute (2021 – present)
Member of the Board of Directors (2021 – present)

United States District Court for the Eastern District of Arkansas (2019 – present)
Divisional Realignment Committee (2025 – present)
Civics Education Committee (2023 – present)
Court Reporters Committee (2023 – present)
Security Committee (2023 – 2024)
Information Technology Committee (2020 – 2022; 2024 – 2025)

American Inns of Court, Judge Henry Woods Chapter (2017 – present)

Arkansas Bar Association (2015 – present)
Co-Chair of the Arkansas Bar Commission on Diversity (2016 – 2017)

District of Columbia Bar Association (2007 – present)

Federalist Society (2002 – present)
Vice-President of Northwest Arkansas Lawyer Chapter (2014 – 2019)
Colloquia Chair of Harvard Law Chapter (2004 – 2005)
International Law and National Security Practice Group Executive Committee (2004 – 2006)

Katzmann Conference on Civics and the Federal Judiciary (2024 – 2025)
Steering Committee (2024 – 2025)

Alaska Bar Association (2009 – 2020)

New York State Bar Association (2006 – 2011)

Republican National Lawyers Association (2004 – 2019, intermittently)

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.

Alaska, 2009
Arkansas, 2015
California (Registered In-House Counsel), 2010
District of Columbia, 2007
Massachusetts (Registered In-House Counsel), 2012
New York, 2006

I terminated my California In-House Counsel registration in 2010 and my Massachusetts In-House Counsel registration in 2012 after my work as campaign counsel in those states concluded. I resigned my Alaska Bar membership in 2020. Although I am still a member of the New York Bar, the New York Bar considers me retired from the practice of law because I am a federal judge. There have been no lapses in membership.

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

Supreme Court of the United States, 2015
United States Court of Appeals for the District of Columbia Circuit, 2008
United States Court of Appeals for the First Circuit, 2009
United States Court of Appeals for the Second Circuit, 2008 (inactive status)
United States Court of Appeals for the Eighth Circuit, 2015
United States Court of Appeals for the Ninth Circuit, 2007
United States District Court for the Eastern District of Arkansas, 2015
United States District Court for the Western District of Arkansas, 2015

I believe that sometime in 2010 or 2011 I became inactive in the Second Circuit. Because my practice no longer involved the Second Circuit, I did not renew my admission. There have been no other lapses.

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.

Conway Community Center (2025 – present)

Jewish Federation of Arkansas (2026)
Member of the Board of Directors (2026)

Congregation B'nai Israel (2020 – 2025)
Hebrew School Teacher (2022 – 2023)

Centennial Valley Country Club (2021 – 2023)

Cornell University Council (2018 – 2020)

Arkansas Advisory Committee to the United States Commission on Civil Rights (2016 – 2019)
Parliamentarian (2017 – 2019)

Little Rock Center-Right Attorneys Lunch Group (2015 – 2019)

Arkansas Republican Party (2014 – 2019)
Tusk Club (2016 – 2019)

Congregation Etz Chaim of Northwest Arkansas (2014 – 2019)
Executive Vice President (2017 – 2019)
Congregational Member of Board of Directors (2014 – 2015)

WALPAC (2014 – 2015; 2018 – 2019)

1836 Club (2016 – 2018)

Harvard Masonic Lodge (2005 – 2016)

Harvard Law School Spring 2015 Reunion Engagement Committee (2015)

Benton County Republican Committee (2014 – 2015)

Jewish Institute for National Security Affairs (2011 – 2013)
Vice Chairman, Young Leadership Council (2011 – 2013)

Ivy Council (2008 – 2012)
Member of the Board of Directors (2008 – 2012)

National Rifle Association (approximately 2014 – 2019)

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 Harvard Masonic Lodge limits its membership to men. Otherwise, to the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

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.

Light the Menorah: The Right Response to Bondi Beach Massacre, Nw. Ark. Democrat-Gazette, Dec. 17, 2025. Copy supplied.

With Roy K. Altman, Robert J. Luck, and Matthew H. Solomson, *Make Sarah and Yaron's Memory a Blessing*, Dispatch, May 28, 2025. Copy supplied.

Thanks, Arkansas: *Blessed to Live in This State*, Nw. Ark. Democrat-Gazette, Oct. 19, 2018. Copy supplied.

In Day One of Hearings, Democrats Show Only that Kavanaugh is a Mainstream Judge, App. Advoc. Blog (Sept. 4, 2018). Copy supplied.

Docket Watch: Board of Trustees of the University of Arkansas v. Matthew Andrews, Federalist Soc'y Docket Watch Blog (Aug. 17, 2018). Copy supplied.

Leslie Rutledge, *Religious Conscience Must Be Protected*, Nw. Ark. Democrat-Gazette, July 1, 2018. Copy supplied.

Symposium: The Stays – A Practical Victory, A Legal Concern, SCOTUSBlog (July 14, 2017, 6:34 pm). Copy supplied.

Leslie Rutledge, *Confirm Judge Neil Gorsuch to the Supreme Court*, Wash. Exam'r, Mar. 20, 2017. Copy supplied.

Leslie Rutledge, Schnarr v. State: *Developing the Law in Three Areas*, Daily Rec. (Ark.), Feb. 13, 2017. Copy supplied.

Leslie Rutledge, *Supreme Court to Consider On-line Speech of Sex Offenders*, Daily Rec. (Ark.), Feb. 6, 2017. Copy supplied.

Supreme Court Strengthens Qualified Immunity Doctrine, Daily Rec. (Ark.), Jan. 23, 2017. Copy supplied.

Leslie Rutledge, *Update on Religious Rights of Soldiers: Supreme Court Petition Alert*, Daily Rec. (Ark.), Jan. 16, 2017. Copy supplied.

Leslie Rutledge, *New Rule on Old Files*, Daily Rec. (Ark.), Jan. 9. 2017. Copy supplied.

Leslie Rutledge, *Changing Horses Mid-stream*. Daily Rec. (Ark.), Jan. 2, 2017. Copy supplied.

More Than the Sum of Its Parts, Daily Rec. (Ark.), Dec. 26, 2016. Copy supplied.

Leslie Rutledge, *Picking Pruitt Is Right Choice for the EPA*, Daily Rec. (Ark.), Dec. 19, 2016. Copy supplied.

Leslie Rutledge, *Arkansas Attorney General: Why Scott Pruitt Is the Right Choice for the EPA*, Fox News Online, Dec. 15, 2016

Leslie Rutledge, *New Rules*, Daily Rec. (Ark.), Dec. 12, 2016. Copy supplied.

Why the Overtime Rule Failed, Daily Rec. (Ark.), Dec. 5, 2016. Copy supplied.

Leslie Rutledge, *Wrestling with Congressional Intent in Immigration Law*, Daily Rec. (Ark.), Nov. 21, 2016. Copy supplied.

Leslie Rutledge, *Reexamining Jury-Deliberation Secrecy*, Daily Rec. (Ark.), Nov. 7, 2016. Copy supplied.

Leslie Rutledge, *The CFPB's Unconstitutional Power Grab*, Daily Rec. (Ark.), Oct. 24, 2016. Copy supplied.

Never Forget, Daily Rec. (Ark.), Oct. 17, 2016. Copy supplied.

Football and the Law, Daily Rec. (Ark.), Oct. 12, 2016. Copy supplied.

Leslie Rutledge, *A Supremely Important Term*, Daily Rec. (Ark.), Oct. 10, 2016. Copy supplied.

Sobriety Checkpoints: Important and Constitutional, Daily Rec. (Ark.), Oct. 3, 2016. Copy supplied.

Leslie Rutledge, *The Vanishing Window of Self-Governance*, Daily Rec. (Ark.), Sept. 5, 2016. Copy supplied.

Paying it Forward, Daily Rec. (Ark.), Aug. 29, 2016. Copy supplied.

Leslie Rutledge, *Hazy Regulations*, Daily Rec. (Ark.), Aug. 22, 2016. Copy supplied.

What the Olympics Can Teach Us, Daily Rec. (Ark.), Aug. 15, 2016. Copy supplied.

Leslie Rutledge, *Protecting the Rights of Conscience*. Daily Rec. (Ark.). Aug. 8, 2016. Copy supplied.

Free Speech Works, Daily Rec. (Ark.), Aug. 1, 2016. Copy supplied.

Leslie Rutledge, *Supporting Law Enforcement*, Daily Rec. (Ark.), July 25, 2016. Copy supplied.

Ensuring Federal Regulators Respect the Role of the State, Daily Rec. (Ark.), July 18, 2016. Copy supplied.

Leslie Rutledge, *Injunction Junction*, Daily Rec. (Ark.), July 11, 2016. Copy supplied.

One Scalia Got Wrong, Daily Rec. (Ark.), July 4, 2016. Copy supplied.

Leslie Rutledge, *Serving Arkansans*, Daily Rec. (Ark.), June 27, 2016. Copy supplied.

Protecting Arkansas Taxpayers and the Public Fisc, Daily Rec. (Ark.), June 20, 2016. Copy supplied.

Leslie Rutledge, *Protecting Small Business and the Attorney-Client Relationship*, Daily Rec. (Ark.), June 13, 2016. Copy supplied.

Leslie Rutledge, *New and Dangerous Labor Rule Hurts Small Businesses*, Wash. Exam'r, June 8, 2016. Copy supplied.

Leslie Rutledge, *A Duty to Defend*, Daily Rec. (Ark.), June 6, 2016. Copy supplied.

The Next Generation, Daily Rec. (Ark.), May 30, 2016. Copy supplied.

Balancing Public Service and Fatherhood, Peekaboo: Nw. Ark. Fam. Mag., May 29, 2016. Copy supplied.

Predicting Legal Tsunamis, Daily Rec. (Ark.), May 16, 2016. Copy supplied.

Leslie Rutledge, *Reflections from Appeals on Wheels*, Daily Rec. (Ark.), May 9, 2016. Copy supplied.

What Is a Solicitor General?, Daily Rec. (Ark.), May 2, 2016. Copy supplied.

Leslie Rutledge, *Justice Scalia: Champion of Democracy and the Written Constitution*, Daily Rec. (Ark.), Apr. 25, 2016. Copy supplied.

Mountaintop Coal Mining: A Permitting Process in Flux, Fed. Soc'y Blog (Sept. 11, 2009). Copy supplied.

Even in Busy D.C., Memories of Fairbanks Will Never Fade, Fairbanks Daily News-Miner, Nov. 3, 2007. Copy supplied.

Wedding Announcement, Wash. Post, June 4, 2006. Copy supplied.

Letter to the Editor, *Opinion Column Misrepresents Republicans*, Harv. L. Rec., Nov. 17, 2004. Copy supplied.

Israel Burning: America's Key Ally Feeling Effects [of] Terrorism by Palestinian Leadership, Cornell Rev., Dec. 7, 2001. Copy supplied.

Only in America: Anti-American Protestors Lack Historical Perspective, Cornell Rev., Nov. 9, 2001. Copy supplied.

Highway Robbery: Like a Hijacked Jet, the Student Activity Fee Spins Out of Control, Cornell Rev., Oct. 18, 2001. Copy supplied.

The Face of Terror: The Man Behind the Bombings: Who Is Osama Bin Laden, Cornell Rev., Sept. 21, 2001. Copy supplied.

With Michael Hanson, *Stealing the Vote: SA Political Boss Masterminds Election Fraud Scheme*, Cornell Rev., Sept. 21, 2001. Copy supplied.

Letter to the Editor, *Presidential Support*, Cornell Rev., Feb. 28, 2001. Copy supplied.

Validating Vouchers: Privatization is the Last, Best Hope for Public Education Reform, Cornell Rev., Nov. 3, 2000. Copy supplied.

Voter[s] Are Drawn to a Do Nothing Candidate? Hillary Clinton Has Done Nothing, So Keep It Up, Cornell Rev., Oct. 13, 2000. Copy supplied.

Letter to the Editor, *S.A. Rep. Suggests Holding off on Funding Reform*, Cornell Daily Sun, May 4, 2000. Copy supplied.

Student Assembly Resolution to Appreciate the Efforts of Cornell Dining Staff, Cornell Daily Sun, May 4, 2000. Copy supplied.

Letter to the Editor, *S.A. Member's Remarks Both 'Reactionary' and 'Absurd,'* Cornell Daily Sun, Apr. 13, 2000. Copy supplied.

Letter to the Editor, *Candidate Denies Oppressing Opponents' Freedom of Speech*, Cornell Daily Sun, Mar. 1, 2000. Copy supplied.

Letter to the Editor, *S.A. Rep. Questions Columnist's Statements About Activity Fees*, Cornell Daily Sun, Sept. 20, 1999. Copy supplied.

Letter to the Editor, *Will C.U. Have Music on the Slope?*, Cornell Daily Sun, Spring 1999. Copy supplied.

Letter to the Editor, *Student Assembly Rep. Apologizes for His Behavior*, Cornell Daily Sun, Sept. 28, 1998. Copy supplied.

With Leslie Kirchler, Letter to the Editor, *SAF and S.A. Member Criticize S.A. Decisions*, Cornell Daily Sun, Nov. 25, 1997. Copy supplied.

While I was an intern for the Jewish Institute for National Security Affairs in 2002, I helped write one or more op-ed pieces. I do not recall which pieces I helped author, and I have been unable to locate any such pieces.

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.

The Honorable Robert A. Katzmann Conference on Civics Education and the Federal Courts, Report, Apr. 2025. Copy supplied.

Arkansas Advisory Committee to the United States Commission on Civil Rights, Mass Incarceration & Civil Rights in Arkansas, Apr. 2020. Copy supplied.

Arkansas Advisory Committee to the United States Commission on Civil Rights, Project Proposal, Apr. 2018. Copy supplied.

I include the 2020 report of the Arkansas Advisory Committee to the United States Commission on Civil Rights only out of an abundance of caution. I was on the District Court for five months (and thus off the Committee for the same amount of time) when this report came out. To the best of my recollection, I did not vote on the findings and recommendations included in the report. However, because I was on the Committee during the Committee's investigative work that led to the report, I include it in this list.

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.

Hearing on the Nomination of Lee P. Rudofsky (and others) Before S. Comm. on Judiciary, 116th Congress (July 31, 2019) (testimony given as nominee to United States District Court for the Eastern District of Arkansas). Video available at https://www.judiciary.senate.gov/committee-activity/hearings/07/31/2019/nominations.

Arkansas Advisory Committee to the United States Commission on Civil Rights. Public Hearing Transcripts (Apr. 23, 2019, Sept. 7, 2018). Copy supplied.

Arkansas Advisory Committee to the United States Commission on Civil Rights, Telephonic Meeting Minutes (Mar. 1, 2019, Sept. 7, 2018, Mar. 9, 2018. May 15, 2017, Mar. 13, 2017, Feb. 13, 2017). Copy supplied.

Letter to the United States Senate Judiciary Committee supporting the nomination of Daniel A. Bress (Feb. 27, 2019). Copy supplied.

Letter to the United States Senate Judiciary Committee supporting the nomination of Eric E. Murphy (July 28, 2018). Copy supplied.

Letter to the United States Senate Judiciary Committee supporting the nomination of Andrew L. Brasher (May 17, 2018). Copy supplied.

Letter to the United States Senate Judiciary Committee supporting the nomination of Britt C. Grant (May 16, 2018). Copy supplied.

Letter to the United States Senate Judiciary Committee supporting the nomination of Patrick R. Wyrick (May 1, 2018). Copy supplied.

Letter to the United States Senate and Senate Judiciary Committee supporting the nomination of J. Campbell Barker (Apr. 12, 2018). Copy supplied.

Letter to the Centerton Planning Commission regarding rezoning (Mar. 14, 2018). Copy supplied.

Ark. State Sovereign Immunity After Bd. of Tr. of the Univ. of Ark. v. Andrews*: Hearing Before the Ark. Legis. Council Litigation Reports Oversight Subcomm.*, (Jan. 30, 2018) (testimony given as Arkansas Solicitor General). Audio recording supplied.

Letter to the United States Senate Judiciary Committee supporting the nomination of Kyle Duncan (Nov. 16, 2017). Copy supplied.

Letter to the Arizona Commission on Appellate Court Appointments recommending selection of Jennifer Perkins (June 30, 2017). Copy supplied.

Letter to the United States Senate Judiciary Committee supporting the nomination of Jeffrey Bossert Clark (June 27, 2017). Copy supplied.

Comment Letter to EPA Administrator McCarthy regarding the proposed rule "Clean Energy Incentive Program Design Details" (Nov. 1, 2016). Copy supplied.

Letter to EPA Administrator McCarthy requesting extension of time to comment on proposed rule "Clean Energy Incentive Program Design Details" (Aug. 1, 2016). Copy supplied.

Letter to the Virginia Attorney General and Virginia Board of Elections regarding Voter Participation Center, from Romney for President 2012 (July 24, 2012). Copy supplied.

Letter to West Bloomfield Township Clerk Catherine Shaughnessy regarding missing election memory cards, from Romney for President 2012 (July 2012). I have been unable to locate a copy of the letter. I am providing a news article describing the letter.

Letter to the United States Senate Judiciary Committee supporting the nomination of former Dean Elena Kagan, from Harvard Law School Alumni (June 24, 2010). Copy supplied.

Cornell University Student Assembly Meeting Minutes (Sept. 11, 1997 – Nov. 2, 2000). Copies 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.
p
July 16, 2026: Panel Presenter, "Judges/Scholars Summit," Federalist Society, Park City, Utah. The panel discussed best practices for new judges both inside and outside the courtroom. I have no notes, transcript, or recording. The address for the Federalist Society is 1776 I Street Northwest, Suite 300, Washington, District of Columbia 20006.

July 10, 2026: Speaker, "Q&A with Judge Rudofsky," My Arkansas Internship Program, Little Rock, Arkansas. I spoke to and fielded questions from interns working for the State of Arkansas. I have no notes, transcript, or recording. The address for the My Arkansas Internship Program is 501 Woodlane Street, Suite 201, Little Rock, Arkansas 72201.

July 8, 2026: Speaker, "Brown Bag Learn at Lunch Series with Judge Lee P. Rudofsky," United States District Court for the Eastern District of Arkansas, Little Rock, Arkansas. This talk focused on my path to the bench and non-traditional legal careers. I have no notes, transcript, or recording. The address for the United States District Court for the Eastern District of Arkansas is 500 West Capitol Avenue, Little Rock, Arkansas 72201.

June 3, 2026: Panel Presenter, "The Trial Court," Tikvah Legal Fellowship, Leesburg, Virginia. The panel focused on paths to the district court, district court procedures, and tips for soon-to-be law clerks. I have no notes, transcript, or recording. The address for Tikvah is 165 East 56th Street, Fourth Floor, New York, New York 10022.

May 21, 2026: Speaker, "Current Issues in Judicial Interpretation and the Law: A Q&A with Judge Lee Rudofsky," Federalist Society North Dakota Lawyers Chapter. Bismarck, North Dakota. The speech focused on judicial interpretation, the nuts and bolts of my various jobs leading to the bench, the legal aspects of the October 7th massacre in Israel

and the Israeli response, and the rise of antisemitism and antiwesternism in the United States. I have no notes, transcript, or recording. I have been unable to find an independent address for the North Dakota Lawyers Chapter of the Federalist Society. The address for the Federalist Society is 1776 I Street Northwest, Suite 300, Washington, District of Columbia 20006.

May 1, 2026: Presiding Judge, "Naturalization Ceremony," United States District Court for the Eastern District of Arkansas & Clinton Presidential Center, Little Rock, Arkansas. Recording available at: https://www.youtube.com/live/pM1Gs8eQry4.

April 18, 2026: Panel Presenter, "The Bench: Practice & Approach," Harvard Law School Federalist Society Alumni Symposium, Cambridge, Massachusetts. I focused on how to do originalism and textualism from the bench, as well as how to manage cases. I have no notes, transcript, or recording. The address for the Harvard Law School Alumni Federalist Society Chapter is 103 Pound Hall, 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

March 18, 2026: Speaker, "Meet Judge Rudofsky," Episcopal Collegiate School, Little Rock, Arkansas. I spoke to elementary school students about the role of a judge in our constitutional system, and about the importance of personal integrity and public virtue. I have no notes, transcript, or recording. The address for Episcopal Collegiate School is 1701 Cantrell Road, Little Rock, Arkansas 72201.

February 21, 2026: Panel Presenter, "A Conversation with Federal Trial Court Judges," The Catholic University of America Columbus School of Law. This panel was part of the Judicial Clerkship Opinion Writing Conference and focused on best practices for district court law clerks. I have no notes, transcript, or recording. The address for The Catholic University of America Columbus School of Law is 3600 John McCormack Road, Northeast, Washington, District of Columbia 20064.

February 21, 2026: Speaker, The Catholic University of America Columbus School of Law. At the Judicial Clerkship Opinion Writing conference, I evaluated five future law clerks' mock opinions and gave advice on how those opinions could be made better. I have no notes, transcript, or recording. The address for The Catholic University of America Columbus School of Law is 3600 John McCormack Road, Northeast, Washington, District of Columbia 20064.

November 7, 2025: Panel Presenter, "Hon. Robert H. Bork Memorial Roundtable: A Person Without Prejudice Against Any Group—The American Tradition of Religious Respect," Federalist Society, Washington, District of Columbia. Recording available at: https://www.youtube.com/watch?v=zFtkLCM1VDE.

November 6, 2025: Panel Presenter, Federalist Society Alumni Chapter of The Catholic University of America Columbus School of Law, Washington, D.C. The speech focused on my path to the bench and best practices for law students and law clerks. I have no notes, transcript, or recording. I have been unable to find an independent address for the

Alumni Chapter of The Catholic University of America Columbus School of Law Federalist Society. The address for the Federalist Society is 1776 I Street Northwest, Suite 300, Washington, District of Columbia 20006.

October 23, 2025: Panel Presenter, "Originalism in its Natural State," Federalist Society Arkansas Chapters Conference, Little Rock, Arkansas. Notes supplied.

October 15, 2025: Speaker, "Seven Myths about Israel, the October 7th Attack, & the Ensuing War: Reflections from a Judicial Education Mission," Harding University Federalist Society Chapter, Searcy, Arkansas. Presentation supplied.

June 23, 2025: Speaker, "Q&A with Judge Rudofsky," My Arkansas Internship Program, Little Rock, Arkansas. I spoke to and fielded questions from interns working for the State of Arkansas. I have no notes, transcript, or recording. The address for the My Arkansas Internship Program is 501 Woodlane Street, Suite 201, Little Rock, Arkansas 72201.

May 1, 2025: Presiding Judge, "Naturalization Ceremony," United States District Court for the Eastern District of Arkansas, Little Rock, Arkansas. Speech supplied.

April 24, 2025: Panel Presenter, "A Space to Learn Part 2: Exhibits and Displays," The Honorable Robert A. Katzmann Conference on Civics Education and the Federal Courts, St. Louis, Missouri. Notes and slides supplied.

April 17, 2025: Speaker, "The Dogs that Caught the Car: Current Challenges to and Opportunities for Originalism and Textualism," Federalist Society Memphis Lawyers Chapter, Memphis, Tennessee. Speech supplied.

April 14, 2025: Speaker, "Seven Myths about Israel, the October 7th Attack, & the Ensuing War: Reflections from a Judicial Education Mission," Federalist Society Little Rock Lawyers Chapter and Federalist Society Arkansas-Little Rock Student Chapter, Little Rock, Arkansas. Presentation supplied.

April 11, 2025: Speaker, "October 7th and its Aftermath: Learnings from a Judicial Education Mission to Israel," Harding University Legal Conference, Searcy, Arkansas. Speech supplied.

April 3, 2025: Speaker, "The Dogs that Caught the Car: Current Challenges to and Opportunities for Originalism and Textualism," Federalist Society Arizona Student Chapter, Tucson, Arizona. Speech supplied.

February 22, 2025: Panel Presenter, "A Conversation with Federal Trial Court Judges," The Catholic University of America Columbus School of Law. This panel was part of the Judicial Clerkship Opinion Writing Conference and focused on best practices for federal district court clerks. I have no notes, transcript, or recording. The address for

The Catholic University of America Columbus School of Law is 3600 John McCormack Road, Northeast, Washington, District of Columbia 20064.

February 22, 2025: Speaker, The Catholic University of America Columbus School of Law. At the Judicial Clerkship Opinion Writing Conference, I evaluated five future law clerks' mock opinions and gave advice on how those opinions could be made better. I have no notes, transcript, or recording. The address for The Catholic University of America Columbus School of Law is 3600 John McCormack Road, Northeast, Washington, District of Columbia 20064.

November 9, 2024: Speaker, "Starry Night: 30th Anniversary Address," Access Academy, Little Rock, Arkansas. Speech provided.

October 18, 2024: Panel Presenter, "Panel I: Israel-Hamas Conflict and the Rule of Law," Federalist Society 2024 Arkansas Chapters Conference, Bentonville, Arkansas. Judge Roy Altman and I discussed the history of, and salient legal questions surrounding, the Israel-Hamas conflict. I have no notes, transcript, or recording. I have been unable to find an independent address for the Arkansas Federalist Society Chapter. The address for the Federalist Society is 1776 I Street Northwest, Suite 300, Washington, District of Columbia 20006.

October 3, 2024: Speaker, "Federal Judges Visit Israel: What We Saw, Heard, and Learned About October 7 and the Subsequent Israel-Hamas War," Federalist Society Tyler Lawyers Chapter, Tyler, Texas. Presentation supplied.

September 10, 2024: Speaker, "The Dogs That Caught the Car: What Now That Textualism and Originalism Are on Top?," Federalist Society Portland Lawyers Chapter, Portland, Oregon. Speech supplied.

June 20, 2024: Speaker, "The Dogs That Caught the Car: What Now That Textualism and Originalism Are on Top?," Federalist Society Sarasota Lawyers Chapter, Sarasota, Florida. Speech supplied.

June 10, 2024: Speaker, "Q&A with Judge Rudofsky," My Arkansas Internship Program, Little Rock, Arkansas. I spoke to and fielded questions from interns working for the State of Arkansas. I have no notes, transcript, or recording. The address for the My Arkansas Internship Program is 501 Woodlane Street, Suite 201, Little Rock, Arkansas 72201.

May 25, 2024: Speaker, "My Time in Israel," Congregation B'nai Israel, Little Rock, Arkansas 72212. Presentation Supplied.

March 1, 2024: Speaker, "The Ethics of Plagiarism: Briefs, Opinions, and ChatGPT, Oh My!," 2024 Altheimer Symposium: Arkansas Personal Injury Litigation: Risk Assessment & Settlement Strategy, Law Review at the University of Arkansas at Little Rock William H. Bowen School of Law. I have no notes, recording, or transcript. The

address for Law Review at the University of Arkansas at Little Rock William H. Bowen School of Law is 1201 McMath Avenue, Little Rock, Arkansas 72202.

February 27, 2024: Speaker, "Corpus Linguistics: Next-level Textualism or Fool's Gold," Federalist Society Columbia Law School Student Chapter, New York, New York. I have no notes, transcript, or recording. The address for the Federalist Society Columbia Law School Student Chapter is 435 West 116th Street, New York, New York 10027.

February 24, 2024: Panel Presenter, "A Conversation with Federal Trial Court Judges," The Catholic University of America Columbus School of Law. This panel was part of the Judicial Clerkship Opinion Writing Conference and focused on best practices for federal district court clerks. I have no notes, transcript, or recording. The address for The Catholic University of America Columbus School of Law is 3600 John McCormack Road, Northeast, Washington, District of Columbia 20064.

February 24, 2024: Speaker, The Catholic University of America Columbus School of Law. At the Judicial Clerkship Opinion Writing Conference, I evaluated five future law clerks' mock opinions and gave advice on how those opinions could be made better. I have done the same at this annual conference since 2022. I have no notes, transcript, or recording. The address for The Catholic University of America Columbus School of Law is 3600 John McCormack Road, Northeast, Washington, District of Columbia 20064.

February 15, 2024: Moot Court Judge, "BYU Law School Moot Court Competition," Brigham Young University Law School, Provo, Utah. I was a volunteer judge for a moot court competition, where I asked questions and evaluated students in the context of a hypothetical legal case. I have no notes, transcript, or recording. The address for Brigham Young Law School is J. Reuben Clark Building, 341 East Campus Drive, Provo, Utah 84602.

January 31, 2024: Presiding Judge & Speaker, "Courtroom in the Classroom," Cabot High School, Cabot, Arkansas. Subsequent to a live court session I held at Cabot High School, I spoke to high school students about career paths in the law and their non-substantive views of the live court hearing. I have no notes, transcript, or recording of my presentation to the students. The address for Cabot High School is 401 North Lincoln Street, Cabot, Arkansas 72023. Press coverage including a brief interview is available at https://www.youtube.com/watch?v=4thaDnf3tto.

December 12, 2023: Interviewer, "A Conversation with Judge Bush," Federalist Society Little Rock Lawyers Chapter, Little Rock, Arkansas. I interviewed Judge John K. Bush about his life and career. I have no notes, transcript, or recording of my remarks. I have been unable to find an independent address for the Federalist Society Little Rock Lawyers Chapter. The address for the Federalist Society is 1776 I Street Northwest, Suite 300, Washington, District of Columbia 20006.

October 25, 2023: Speaker, "Originalism with Judge Rudofsky," Federalist Society Arkansas-Little Rock Student Chapter, Bowen School of Law, Little Rock, Arkansas. Notes supplied.

October 9, 2023: Speaker, "Meet Judge Rudofsky," Woodrow Cummins Elementary School, Conway, Arkansas. I spoke to elementary school students about the role of a judge in our constitutional system, and about the importance of personal integrity and public virtue. I have no notes, transcript, or recording. The address for Woodrow Cummins Elementary School is 1400 Padgett Road, Conway, Arkansas 72034.

October 5, 2023: Speaker, "The Dogs that Caught the Car: Current Challenges to and Opportunities for Originalism and Textualism," Federalist Society Cornell Student Chapter, Ithaca, New York. Speech supplied.

June 9, 2023: Speaker, "Q&A with Judge Rudofsky," My Arkansas Internship Program, Little Rock, Arkansas. I spoke to and fielded questions from interns working for the State of Arkansas. I have no notes, transcript, or recording. The address for the My Arkansas Internship Program is 501 Woodlane Street, Suite 201, Little Rock, Arkansas 72201.

April 11, 2023: Speaker, "Meet Judge Rudofsky," Pine Haven Elementary School, Bauxite, Arkansas. I spoke to elementary school students about the role of a judge in our constitutional system, and about the importance of personal integrity and public virtue. I have no notes, transcript, or recording. The address for Pine Haven Elementary School is 500 Pine Haven Road, Bauxite, Arkansas 72011.

April 7, 2023: Panel Presenter, "Meet Judge Rudofsky and Judge Kernodle," Harding University Legal Conference, Searcy, Arkansas. I spoke about my path to the bench, careers in the law, and the meaning of originalism and textualism. I have no notes, transcript, or recording. The address for Harding University is 915 East Market Avenue, Searcy, Arkansas 72149.

April 1, 2023: Panel Moderator, "The Role of State Solicitors General." Harvard Law School Federalist Society Alumni Symposium, Cambridge, Massachusetts. I moderated a panel on how state Solicitors General represent their states in federal and state courts. I have no notes, transcript, or recording. The address for the Harvard Law School Alumni Federalist Society Chapter is 103 Pound Hall, 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

February 25, 2023: Speaker, The Catholic University of America Columbus School of Law. At the Judicial Clerkship Opinion Writing conference, I evaluated five future law clerks' mock opinions and gave advice on how those opinions could be made better. I have no notes, transcript, or recording. The address for The Catholic University of America Columbus School of Law is 3600 John McCormack Road, Northeast, Washington, District of Columbia 20064.

February 7, 2023: Panel Presenter, "Q&A with Judges," Judge Henry Woods American Inn of Court, Little Rock, Arkansas. I answered questions from guests about my legal and judicial career. I have no notes, transcript, or recording. The address for Judge Henry Woods American Inn of Court is 425 West Capitol Avenue, Little Rock, Arkansas 72201.

October 28, 2022: Speaker, "Investiture Speech," United States District Court for the Eastern District of Arkansas, Little Rock, Arkansas. Speech supplied.

October 28, 2022: Moderator, "Panel I: The First Amendment Under Attack," Federalist Society Inaugural Arkansas Chapters Conference, Little Rock, Arkansas. I asked the panelists about recent developments in First Amendment law. I have no notes, transcript, or recording. I have been unable to find independent addresses for the Little Rock or Northwest Arkansas Federalist Society Lawyers Chapters. The address for the Federalist Society is 1776 I Street Northwest, Suite 300, Washington, District of Columbia 20006.

October 18, 2022: Speaker, "Career Development & Clerkship Panel," Federalist Society NYU Student Chapter, New York University School of Law, New York, New York. I spoke with students about legal careers and clerking. I have no notes, transcript, or recording. The address for the Federalist Society NYU Student Chapter is 40 Washington Square South, New York, New York 10012.

October 5, 2022: Speaker, "My Jewish Journey," Congregation B'nai Israel Yom Kippur Symposium, Little Rock, Arkansas. Speech provided.

July 27, 2022: Podcast Guest Speaker, "Judge Rudofsky Talks Corpus Linguistics," Advisory Opinions, The Dispatch (Virtual). Recording available at: https://thedispatch.com/podcast/advisoryopinions/judge-rudofsky-talks-corpus-linguistics/.

June 28, 2022: Speaker, "Lunch with Judge Lee Rudofsky," Federalist Society D.C. Young Lawyers Chapter, Washington, D.C. I addressed questions and spoke about my career and work as a federal district court judge in a small group conversation. I have no notes, transcript, or recording. I have been unable to find an independent address for the Federalist Society D.C. Young Lawyers Chapter. The address for the Federalist Society is 1776 I Street Northwest, Suite 300, Washington, District of Columbia 20006.

June 17, 2022: Speaker, "Q&A with Judge Rudofsky," My Arkansas Internship Program, Little Rock, Arkansas. I spoke to and fielded questions from interns working for the State of Arkansas. I have no notes, transcript, or recording. The address for the My Arkansas Internship Program is 501 Woodlane Street, Suite 201, Little Rock, Arkansas 72201.

April 29, 2022: Speaker, "CLE on the Insider's Guide to Judge Rudofsky's Chambers." Pulaski County Bar Association, Little Rock, Arkansas. I provided attendees with information on how I run my chambers and courtroom. I have no notes, transcript, or

recording. The address for the Pulaski County Bar Association is 1201 McMath Avenue, Little Rock, Arkansas 72202.

February 24, 2022: Speaker, The Catholic University of America Columbus School of Law. At the Judicial Clerkship Opinion Writing conference, I evaluated five future law clerks' mock opinions and gave advice on how those opinions could be made better. I have no notes, transcript, or recording. The address for The Catholic University of America Columbus School of Law is 3600 John McCormack Road, Northeast, Washington, District of Columbia 20064.

September 27, 2021: Moderator, "Feddie Night Fights: Vaxxports?," The Federalist Society Chicago Student Chapter (Virtual). Recording available at: https://fedsoc.org/events/feddie-night-fights-vaxxports.

March 12, 2021: Panel Presenter, "Judicial Panel: The Importance of State Constitutions & Governments," Federalist Society Brigham Young University Student Chapter, Provo, Utah (Virtual). I discussed federalism, certified questions, abstention doctrines, and the relationship between federal and state constitutions. I have no notes, transcript, or recording. The address for the Federalist Society Brigham Young University Student Chapter is J. Reuben Clark Building, 341 East Campus Drive, Provo, Utah 84602.

June 18, 2020: Panel Presenter, "From Advocate to Umpire: New Perspective from a New Judge," Pulaski County Bar Association, Little Rock, Arkansas. I spoke on the perspectives I had about the transition from a practicing attorney to a federal judge. I have no notes, transcript, or recording. The address for the Pulaski County Bar Association is 1201 McMath Avenue, Little Rock, Arkansas 72202.

December 14, 2020: Speaker, "Does the Road to the Bench Influence Judging?," Federalist Society Little Rock, Chicago and Nebraska Lawyers Chapters (Virtual). Recording available at: https://www.youtube.com/watch?v=e8Ak6C6YGjo.

March 28, 2019: Speaker, "Second Annual Justice Donald J. Corbin Appellate Symposium," Pulaski County Bar Foundation, Little Rock, Arkansas. I spoke on appellate and trial advocacy. I have no notes, transcript, or recording. The address for the Pulaski County Bar Foundation is Post Office Box 22, Little Rock, Arkansas 72203.

January 29, 2019: Panel Presenter, "King Can Do No Wrong: Sovereign Immunity in Arkansas," Federalist Society University of Arkansas School of Law Student Chapter, Fayetteville, Arkansas. Notes supplied.

June 26, 2018: Panel Presenter, "Constitutional Interpretation and *Andrews*," Federalist Society Little Rock Lawyers Chapter, Little Rock, Arkansas. Notes supplied.

June 5, 2018: Panel Presenter, "Sovereign Immunity in the Age of *Andrews*," Office of the Arkansas Attorney General, Little Rock, Arkansas. Notes supplied.

March 19, 2018: Panel Presenter, "Judicial Appointments Review and Discussion," Rule of Law Defense Fund, New Orleans, Louisiana. The panel was on the appointment of Justice Gorsuch to the United States Supreme Court, potential future United States Supreme Court nominees, selections for lower court judicial openings, and early trends in Justice Gorsuch's jurisprudence. I have no notes, transcript, or recording. The address for Rule of Law Defense Fund is 1747 Pennsylvania Avenue Northwest, Suite 800, Washington, District of Columbia 20006.

November 8, 2017: "Solicitors General in the Age of Trump," Federalist Society New Orleans Lawyer Chapter, New Orleans, Louisiana. I have no recollection of this event, and I am under the impression that a last-minute scheduling conflict arose. However, since my name is still associated with this event on the Federalist Society webpage, I include it here out of an abundance of caution. To the extent I was involved with this event, I have no notes, transcript, or recording and do not recall anything said. I have not been able to identify an independent address for the Federalist Society New Orleans Lawyers Chapter. The address for the Federalist Society is 1776 I Street Northwest, Suite 300, Washington, District of Columbia 20006.

September 14, 2017: Panel Presenter, "Supreme Court Preview," Federalist Society Little Rock Lawyers Chapter, Little Rock, Arkansas. Notes supplied.

September 13, 2017: Speaker, "U.S. Supreme Court Preview and Review," Federalist Society Memphis Lawyers Chapter, Memphis, Tennessee. The speech was on recent and upcoming United States Supreme Court cases. I have no notes, transcript, or recording. I have not been able to locate an independent address for the Federalist Society Memphis Lawyers Chapter. The address for the Federalist Society is 1776 I Street Northwest, Suite 300, Washington, District of Columbia 20006.

September 11, 2017: Speaker, "Independent State Grounds: State-based Strategies for Securing Constitutionally Protected Freedoms," Alliance Defending Freedom, Cancun, Mexico. The speech was on religious liberties litigation by state Attorneys General across the nation. I have no notes, transcript, or recording. The address for Alliance Defending Freedom is 15100 North 90th Street, Scottsdale, Arizona 85260.

August 3, 2017, Panel Presenter, "Recent Death Penalty Litigation in Arkansas," Eighth Circuit Chief Judges Conference, Little Rock, Arkansas. Recording supplied.

July 11, 2017: Moderator, "The New Court: *Trinity Lutheran*, Justice Gorsuch, and Religious Liberty's Future," Alliance Defending Freedom, Laguna Niguel, California. Notes supplied.

June 15, 2017: Panel Presenter, "Voting Rights and Access to the Ballot," Arkansas Bar Association 2017 Annual Bar Convention, Hot Springs, Arkansas. The panel was on recent and upcoming United States Supreme Court cases regarding voter identification, redistricting/gerrymandering, and the maintenance of voter registration lists. I have no

notes, transcript, or recording. The address for the Arkansas Bar Association is 2224 Cottondale Lane, Little Rock, Arkansas 72202.

May 9, 2017: Panel Presenter, "Supreme Court Perspectives: The Gorsuch Effect," Rule of Law Defense Fund, Charleston, South Carolina. The panel was on recently decided and upcoming United States Supreme Court cases. I have no notes, transcript, or recording. The address for Rule of Law Defense Fund is 1747 Pennsylvania Avenue, Northwest, Suite 800, Washington, District of Columbia 20006.

March 25, 2017: Panel Presenter, "State Solicitors General," Harvard Law School Federalist Society Alumni Symposium, Cambridge, Massachusetts. Notes and press supplied.

February 16, 2017: Speaker, "February Meeting, Northwest Arkansas Young Republicans," Fayetteville, Arkansas. I spoke about my job as Solicitor General. I have no notes, transcript, or recording. I do not know the physical address of the Arkansas Young Republicans, but its website is https://www.arkansasyr.gop/.

January 12, 2017: Speaker, "Update from the Office of the Arkansas Attorney General," Western States Land Commissioners Association, Rogers, Arkansas. Notes supplied.

October 22, 2016: Moderator, "Death in Arkansas – A Retrospective," University of Arkansas Law Review, Fayetteville, Arkansas. Recording supplied.

October 18, 2016: Panel Presenter, "School Law Panel," 2016 Arkansas Public School Resource Center Fall Conference, Hot Springs Convention Center, Hot Springs, Arkansas. The panel was on legal issues relevant to K-12 education. I have no notes, transcript, or recording. The address for the Arkansas Public School Resource Center is Victory Building, 1401 West Capitol, Suite 315, Little Rock, Arkansas 72201.

September 2, 2016: Speaker, "Current Legal Issues Facing Solicitors General," Cornell Institute for Public Affairs, Ithaca, New York. The speech was an informal classroom discussion regarding current legal issues facing Solicitors General across the country. I have no notes, transcript, or recording. The address for the Cornell Institute for Public Affairs is Jeb E. Brooks School of Public Policy, 2301 Martha Van Rensselaer Hall, Ithaca, New York 14853.

September 2, 2016: Panel Presenter, "Cornell Sprint Football Alumni Careers," Cornell Sprint Football Team, Ithaca, New York. The panel was an informal discussion regarding career paths of former Sprint Football members and potential career paths of current team members. I have no notes, transcript, or recording. The address for Cornell Sprint Football is Teagle Hall, 512 Campus Road, Ithaca, New York 14853.

September 1, 2016: Speaker, "State Solicitors General and the Fight Against Federal Overreach," Cornell University Law School Federalist Society, Ithaca, New York. The speech was on recent federalism litigation brought by state Attorneys General throughout

the nation. The speech also discussed my career path and the various ways law students can prepare themselves for public service. I have no notes, transcript, or recording. The address for the Cornell University Law School Federalist Society is Myron Taylor Hall, 524 College Avenue, Ithaca, New York 14853.

June 23, 2016: Panel Presenter, "Independent State Grounds: State-based Strategies for Protecting Religious Freedom," Alliance Defending Freedom, Maui, Hawaii. Notes supplied.

June 3, 2016: Panel Presenter, "Case Law Update," Office of the Arkansas Attorney General, Little Rock, Arkansas. Notes supplied.

May 27, 2016: Panel Presenter, "Legality of Sobriety Checkpoints," Arkansas Prosecuting Attorneys Association, Little Rock, Arkansas. The panel was on the legality of sobriety checkpoints and the impact of an Arkansas Supreme Court case, *Whalen v. State*. I have no notes, transcript, or recording. The address for the Arkansas Prosecuting Attorneys Association is 323 Center Street, Suite 750, Little Rock, Arkansas 72201.

February 17, 2016: Panel Presenter, "Arkansas & U.S. Supreme Court Sessions: A Sneak Peek," Federalist Society Little Rock Lawyers Chapter, Little Rock, Arkansas. Notes supplied.

February 16, 2016: Panel Presenter, "Arkansas & U.S. Supreme Court Sessions: A Sneak Peek," Federalist Society Northwest Arkansas Lawyers Chapter, Fayetteville, Arkansas. Notes supplied.

November 13, 2015: Interview-Style Presentation, "An Interview with Lee Rudofsky," Harvard Law School Federalist Society Alumni Chapter, Washington, D.C. The interview was about my career path, work as Solicitor General of Arkansas, how I prepare for oral argument, and advice for law students. I have no notes, transcript, or recording. The address for the Harvard Law School Federalist Society Alumni Chapter is 103 Pound Hall, 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

August 30, 2015: Speaker, "Introduction of Arkansas Attorney General Leslie Rutledge," Congregation Etz Chaim, Bentonville, Arkansas. The event was a consecration of a Torah that had been hidden during the Holocaust and needed to be refurbished. My introduction discussed General Rutledge's commitment to religious freedom. I have no notes, transcript, or recording. Congregation Etz Chaim is now closed. Press coverage supplied.

June 13, 2015: Moderator, "Officers of the Court: Judicial tips for avoiding the most common and most serious ethical dilemmas facing lawyers today," South Asian Bar Association of North America, Orlando, Florida. The panel was on legal ethics. I have no notes, transcript, or recording. The address for the South Asian Bar Association of North America is unknown; the website for the organization is https://www.sabanorthamerica.com.

April 27, 2015: Interviewer, "A Conversation with Alberto Gonzales," Federalist Society Northwest Arkansas Lawyers Chapter, Fayetteville, Arkansas. The event was an interview of Judge Alberto Gonzales regarding his career and time as White House Counsel and Attorney General. I have no notes, transcript, or recording. I have not been able to locate an independent address for the Northwest Arkansas Federalist Society. The address for the Federalist Society is 1776 I Street Northwest, Suite 300, Washington, District of Columbia 20006.

August 9, 2013: Speaker, "Continuous Improvement for Fair & Open Elections," Republican National Lawyers Association, Chicago, Illinois. Presentation supplied.

October 9, 2012: Speaker, "Update from the Romney Campaign," Republican National Lawyers Association, New York, New York. This was a preview of volunteer opportunities for Republican lawyers on election day. I have no notes, transcript, or recording. The address for the Republican National Lawyers Association is Post Office Box 18965, Washington, District of Columbia 20036.

I was invited to speak at an event on July 20, 2005, at the National Endowment for Democracy in Washington, D.C., on the subject of bringing free market ideas to college campuses. I do not recall whether I actually participated in that event, and I have no notes, transcript, or recording. The address of the National Endowment for Democracy is 1025 F Street, Northwest, Suite 800, Washington, District of Columbia 20004.

2004: Debater, "2004 U.S. Presidential Elections and Foreign Policy," Harvard Law Republicans and Harvard Law Democrats, Cambridge, Massachusetts. I have no notes, transcript, or recording. The address for both the Harvard Law Republicans and Harvard Law Democrats is 1585 Massachusetts Avenue, Cambridge, Massachusetts 02138.

November 5, 2000: Debater, "2000 U.S. Presidential Elections," Cornell Republicans and Cornell Democrats, Ithaca, New York. I have no notes, transcript, or recording. The address for both the Cornell Republicans and Cornell Democrats is Day Hall, 144 East Avenue, Ithaca, New York 14853. Press coverage supplied.

1998: Speaker, "National Junior Honor Society Induction," West Hollow Middle School, Dix Hills, New York. The speech was on the importance of building good character. I have no notes, transcript, or recording. The address for the West Hollow Middle School is 250 Old East Neck Road, Melville, New York 11747.

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.

Sarah Isgur, *Last Branch Standing: A Potentially Surprising, Occasionally Witty Journey Inside Today's Supreme Court*, Crown Publishing, Apr. 14, 2026, 353. Excerpt of the

book that includes my quote supplied.

U.S. Federal Judges Witness Israel's Resilience and Reality, ILTV Israel News, Apr. 2, 2025. Recording available at: https://youtu.be/WBZQXmpNzG4?si=1I1aedGWMae0sf4Y.

ILTV, *U.S. Judges Visit Israel to Confront Terror, Truth, and Antisemitism*, Ynet Global, Mar. 31, 2025. Copy supplied.

Potential in Bloom, Access Academy, Dec. 3, 2024. Recording available at: https://youtu.be/hYGkvZuU7yg?si=6DcWL73bV8jA5wEC.

Nate Raymond, *US Law Clerks in Rare Anonymous Statement Decry 'Genocide' in Gaza*, Reuters, May 29, 2024. Copy supplied.

Should Judges Get Political?, Advisory Opinions Podcast, Dispatch, May 16, 2024. Recording available at: https://thedispatch.com/podcast/advisoryopinions/should-judges-get-political/.

Karen Sloan and Nate Raymond, *Conservative US Federal Judges Announce Boycott of Columbia Law School Graduates*, My Times of Israel, May 8, 2024. Copy supplied.

Federal Judges Examine the Israel-Hamas War, Advisory Opinions Podcast, Dispatch, Apr. 2, 2024. Recording available at: https://thedispatch.com/podcast/advisoryopinions/federal-judges-examine-the-israel-hamas-war/.

WJC Brings U.S. Federal Judges to Israel to Learn About Horrors of October 7, World Jewish Congress, Mar. 29, 2024. Recording available at: https://youtu.be/F78R6kF4mLw?si=hvjy852LSfPOose0.

KARK, Mar. 27, 2024. I sat for a recorded interview about the federal judges' trip to Israel. The interview was condensed into a few-minute report that was aired on TV on or around March 28, 2024. I cannot find any audio or visual recording of it online. I have contacted KARK, who has been unsuccessful in locating any archived footage of the TV segment or recorded interview.

Suzanna Monyak, *Trump-Appointed Judges Lead Trip to Israel 'Bearing Witness'*, Bloomberg Law, Mar. 21, 2024. Copy supplied.

Dale Ellis, *Little Rock Federal Judge Spends Week in Israel, Sees Damage from Hamas Attack*, Nw. Ark. Democrat-Gazette, Mar. 16, 2024. Copy supplied.

Michael Starr, *US Federal Judge Delegation Explores Oct 7 Challenge to Israeli Legal System*, Jerusalem Post, Mar. 13, 2024. Copy supplied.

Federal Court Hearing Held at Cabot High School as Part of Educational Pilot Program, KATV Channel 7, Jan. 31, 2024. Recording available at: https://www.youtube.com/watch?v=4thaDnf3tto&t=3s.

Maclain Conlin, *Textualism and the Separation of Powers, A Conversation with Judge Rudofsky*, Originalist Angles, Nov. 17, 2023. Copy supplied.

Debra Cassens Weiss, *Federal Judge Wants Clerks to Confirm They Aren't Part of Antisemitic or Islamophobic Groups*, ABA J., Nov. 10, 2023. Copy supplied.

Nate Raymond, *Trump-Appointed Judge Presses Future Clerks on Israel-Hamas War*, Reuters, Nov. 9, 2023. Copy supplied.

Dale Ellis, *Federal Court Holds Investiture Ceremony in State for Newest Judge – 3 Years After Appointment*, Nw. Ark. Democrat-Gazette, Oct. 29, 2022. Copy supplied.

Judge Rudofsky Talks Corpus Linguistics, Advisory Opinions Podcast, Dispatch, Jul. 27, 2022. Recording available at: https://thedispatch.com/podcast/advisoryopinions/judge-rudofsky-talks-corpus-linguistics/.

Judge Lee Rudofsky on the Work of a Federal Judge, Ipse Dixit Podcast, Feb. 25, 2021. Recording available at: https://shows.acast.com/ipse-dixit/episodes/judge-lee-rudofsky-on-the-work-of-a-federal-judge?ref=twitter.

Press Release, *Rutledge Names Nicholas Bronni as Solicitor General: Thanks Lee Rudofsky for His Service to the Office and State*, Arkansas Attorney General's Office, July 11, 2018. Copy supplied.

Wilson v. Sellers – *Post-Decision*, SCOTUSCast, May 30, 2018. Recording available at https://fedsoc.org/commentary/podcasts/wilson-v-sellers-post-decision-scotuscast.

Wilson v. Sellers – *Post-Argument*, SCOTUSCast, Nov. 21, 2017. Recording available at https://fedsoc.org/commentary/podcasts/wilson-v-sellers-post-argument-scotuscast.

Tessa L. Dysart, Leslie H. Southwick, & Ruggero J. Aldisert, *Winning on Appeal: Better Briefs and Oral Arguments*, 3d ed., Nat'l Inst. for Trial Advocacy, August 2017 at p. 142. Copy supplied.

The Texas Abortion Case in the Supreme Court: Whole Women's Health v. Hellerstadt *Oral Argument Preview*, Fed. Soc'y Podcast, Mar. 1, 2016. Recording available at: https://fedsoc.org/commentary/podcasts/the-texas-abortion-case-in-the-supreme-court-whole-woman-s-health-v-hellerstedt-oral-argument-preview-podcast.

Press Release, *Rutledge Welcomes Lee Rudofsky as State's First Solicitor General*, Arkansas Attorney General's Office, July 30, 2015. Copy supplied.

Virginia A. Greiman, *OPIA's Guide to Conservative / Libertarian Public Interest Law*, Harvard Law School Office of Public Interest Advising, September 2007, at p. 24. Copy supplied.

Hugo Torres, *HLS GOP Goes to Washington D.C.*, Harv. L. Rec., Mar. 17, 2005. Copy supplied.

Amy Garrigues, *HLS GOP Enters the Beltway*, Harv. L. Rec., Mar. 11, 2004. Copy supplied.

Lea Sevcik, *HLS GOP Rubs Shoulders with DC Luminaries*, Harv. L. Rec., Mar. 19, 2003. Copy supplied.

Spring 2002. PEGASYS Public Access Television (Ithaca, NY). I appeared on a 30-minute broadcast of CIPA's (Cornell Institute for Public Affairs') Point of View series. The show was a panel discussion of current events. I do not have a recording or transcript of that appearance.

Matthew Hirsch, *Senate Hopeful Clinton to Begin Bus Tour from Cornell U.*, Cornell Daily Sun, Oct. 26, 2000. Copy supplied.

Ryan, *For Hillary, First Stop: Cornell*, Cornell Daily Sun, Oct. 25, 2000. Copy supplied.

Ryan, *Chair of C.U. Republicans Resigns*, Cornell Daily Sun, Sept. 19, 2000. Copy supplied.

Ken Meyer, *Candidates Promise Change*, Cornell Daily Sun, Mar. 7, 2000. Copy supplied.

2000-2001 Student Assembly Candidates, Cornell Daily Sun, Mar. 6, 2000. Copy supplied.

Maggie Frank, *S.A. Discusses Diversity as Elections Near*, Cornell Daily Sun, Mar. 3, 2000. Copy supplied.

2000-2001 Student Assembly Candidates, Cornell Daily Sun, Feb. 28, 2000. Copy supplied.

Nathaniel Berman, *Student Assembly Debates Affirmative Action*, Cornell Daily Sun, Feb. 11, 2000. Copy supplied.

Nilo Alvarado & Jason Flannick, *New Meal Plan Proposed*, Cornell Daily Sun, Feb. 4, 2000. Copy supplied.

Christen Aragoni, *Student Assembly Sets Activities Fee at $92*, Cornell Daily Sun, Dec. 3, 1999. Copy supplied.

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Joseph J. Sabia, *Republican Steamroller*, Cornell Rev., Mar. 19, 1999. Copy supplied.

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Naomi Serviss, *Climb Every (Indoor) Mountain*, Newsday, May 25, 1997.

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.

United States District Judge, Eastern District of Arkansas (2019 – present). I was appointed by President Donald J. Trump and confirmed by the United States Senate. The district's jurisdiction is roughly the eastern half of Arkansas.

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

Thirty-two.

i. Of these, approximately what percent were:

jury trials:	75%
bench trials:	25%
civil proceedings:	56%
criminal proceedings:	44%

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

See Appendix 13.b.

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

1) *Gray v. Mallory*, No. 4:25-CV-01057-LPR, 2025 WL 3252427 (E.D. Ark. Nov. 21, 2025); 2026 WL 1195833 (E.D. Ark. May 1, 2026).

A former Arkansas Department of Health employee sued Arkansas officials after she was terminated for comments she made on Facebook concerning the assassination of Charlie Kirk. Plaintiff alleged that her termination constituted retaliation for protected speech in violation of the First Amendment and analogous provisions of the Arkansas Constitution. She also alleged that Defendants violated her procedural due-process rights by terminating her without the appropriate notice and without a hearing.

I have presided over the case since its filing in October of 2025. In November of 2025, after oral argument, I issued a published order denying preliminary injunctive relief. Among other reasons, I denied preliminary relief because, having already been terminated, Plaintiff was not currently suffering a chill on her speech and was not subject to threatened government conduct. Later, in May of 2026, I granted in part and denied in part Defendants' motion to dismiss. I allowed the federal and state retaliation-for-protected-speech claims to move forward against certain Defendants, but I dismissed the remaining claims. I also gave Plaintiff the opportunity to amend her complaint.

Plaintiff filed an amended complaint. Defendants then filed a renewed motion to dismiss. The case remains pending.

Counsel for Plaintiff:

Lucien R. Gillham
Luther Oneal Sutter
Sutter & Gillham, PLLC
310 Natural Resources Drive, Suite 2
Little Rock, Arkansas 72205
(501) 315-1910

Counsel for Defendants:

Carl F. Cooper, III
Arkansas Attorney General's Office
101 West Capitol Avenue
Little Rock, Arkansas 72201
(501) 682-3658

2) *Novartis Pharms. Corp. v. Griffin*, No. 4:25-CV-00633-LPR, 2026 WL 1382468 (E.D. Ark. May 17, 2026).

A pharmaceutical manufacturer sued Arkansas officials to prevent the enforcement of Act 630 of 2025. The challenged Act sought to regulate pharmaceutical manufacturers' use of limited drug-distribution networks that do not include Arkansas pharmacies. Plaintiff alleged the Act violated the Dormant Commerce Clause and was preempted by federal law.

I have presided over the case since its filing in June of 2025. In January of 2026, I held an evidentiary hearing on Plaintiff's motion for preliminary injunction and held oral argument on Defendants' motion to dismiss. In May of 2026, I issued a published order granting Plaintiff's motion for preliminary injunction. I concluded that Plaintiff was likely to succeed on its Dormant Commerce Clause claim, and I enjoined the Arkansas Board of Pharmacy from enforcing Act 630 against Plaintiff pending final judgment.

Based on subsequent developments, Defendants have now suggested the case is moot. I stayed consideration of the earlier motion to dismiss pending resolution of the mootness issue. The case remains pending.

Counsel for Plaintiff:

William Conner Eldridge, Jr.
Emily A. Neal
Eldridge Brooks, PLLC
5115 J.B. Hunt Drive, Suite 500
Rogers, Arkansas 72758
(479) 553-7678

Susan Cook
Hogan Lovells Cadwalader US LLP
555 Thirteenth Street, Northwest
Washington, District of Columbia 20004
(202) 637-6684

Jacob Tyler Young
12 East Spring Street
Alexandria, Virginia 22301
(801) 674-6813

Counsel for Defendants:

Jordan Broyles
Laura L. Purvis
Arkansas Attorney General's Office
101 West Capitol Avenue
Little Rock, Arkansas 72201
(501) 682-2007

3) *Malinowski v. United States*, No. 4:25-CV-00486-LPR, 2026 WL 1750072 (E.D. Ark. June 17, 2026); 2026 WL 1948181 (E.D. Ark. July 6, 2026).

A widow, individually and on behalf of her late husband's estate and certain wrongful-death beneficiaries, sued the United States and federal law-enforcement officers. Plaintiff alleged that the officers violated the Fourth Amendment, and committed various

state torts, when—in an attempt to serve and execute a search warrant—they entered her home, exchanged gunfire with her husband, fatally shot him, and detained her afterward.

I have presided over the case since 2025. I held oral argument on motions to dismiss filed by the Government and the individual officers. In June of 2026, I granted in part and denied in part the Government's motion to dismiss the tort claims brought under the Federal Tort Claims Act (FTCA). I allowed 8 of the 9 pled FTCA claims to move forward in the litigation. Then, in July of 2026, I issued an order addressing the constitutional claims against the individual officers. I granted the officers' motion to dismiss because the logic of recent *Bivens* cases from the Supreme Court foreclosed Plaintiff's suit against the officers.

The case remains pending as to the remaining tort claims brought against the Government under the FTCA. A bench trial is scheduled to begin on August 3, 2027.

Counsel for Plaintiff:

H.E. Bud Cummins
Law Offices of Bud Cummins PLC
1818 North Taylor Street, Suite 301
Little Rock, Arkansas 72207
(501) 831-6125

Matthew C. Stauffer
Bequette, Billingsley & Kees, P.A.
425 West Capitol Avenue, Suite 3200
Little Rock, Arkansas 72201
(501) 830-9999

Nathan F. Garrett
Graves Garrett Greim LLC
1100 Main Street, Suite 2700
Kansas City, Missouri 64105
(816) 256-3181

Counsel for Defendants:

Lindsey Mitcham Lorence
Shannon S. Smith
United States Attorney's Office for the Eastern District of Arkansas
425 West Capitol Avenue, Suite 500
Little Rock, Arkansas 72201
(501) 340-2600

Anna-Drake Stephens
United States Department of Justice

Constitutional & Specialized Torts
Post Office Box 7146
Washington, District of Columbia 20044
(202) 305-1576

4) *Walls v. Sanders*, 733 F. Supp. 3d 721 (E.D. Ark. 2024); 760 F. Supp. 3d 766 (E.D. Ark. 2024); No. 4:24-CV-00270-LPR, 2026 WL 2256862 (E.D. Ark. Aug. 5, 2026).

Two public high school teachers, two public high school students, and a civil-rights organization sued Arkansas officials. Plaintiffs challenged the constitutionality of the anti-indoctrination provision of the LEARNS Act on several grounds. I have presided over the case since its filing in 2024.

On April 30, 2024, I held a hearing on Plaintiffs' motion for preliminary injunction. Subsequently, I granted the motion in part. I explained that I was bound by Eighth Circuit precedent to conclude that the challenged provision violated the students' free-speech rights. But I suggested that the Eighth Circuit should overturn its precedent on this point given the Supreme Court's government speech doctrine. On appeal, the United States Court of Appeals for the Eighth Circuit concluded that, in light of the government speech doctrine, it could walk away from its precedent. The Circuit vacated the preliminary injunction and remanded the case.

While the appeal was pending, I held oral argument on Defendants' motion to dismiss, and I partially resolved that motion. I dismissed the facial equal protection claim, and I held the remaining issues in abeyance pending the appellate court's decision and supplemental briefing. Following the appellate court's decision and supplemental briefing, I issued an additional order that dismissed the as-applied equal protection challenge and requested the parties' views on whether the vagueness challenges were justiciable. The case remains pending.

Counsel for Plaintiffs:

David Hinojosa
National Center for Youth Law
Post Office Box 21156
Washington, District of Columbia 20009
(202) 223-0724

Maya Brodziak
Lawyers' Committee for Civil Rights Under Law
1500 K Street, Northwest, Suite 900
Washington, District of Columbia 20005
(202) 662-8339

Michael J. Laux

Laux Law Group
400 West Capitol Avenue, Suite 1700
Little Rock, Arkansas 72201
(501) 242-0750

Counsel for Defendants:

Autumn Hamit Patterson
Arkansas Attorney General's Office
Bob R. Brooks, Jr. Justice Building
101 West Capitol Avenue,
Little Rock, Arkansas 72201
(501) 295-7419

Asher Steinberg
Formerly with the Arkansas Attorney General's Office
North Dakota Attorney General's Office
Department 125
600 East Boulevard Avenue
Bismark, North Dakota 58505
(701) 328-2210

Dylan L. Jacobs
Formerly with the Arkansas Attorney General's Office
King Street Legal, PLLC
800 Connecticut Avenue, Northwest, Suite 300
Washington, District of Columbia 20006
(202) 400-2039

Hon. Nicholas J. Bronni
Formerly with the Arkansas Attorney General's Office
Arkansas Supreme Court
Justice Building
625 Marshall Street
Little Rock, Arkansas 72201
(501) 682-6849

5) *Arkansas State Conf. NAACP v. Arkansas Bd. of Apportionment*, 578 F. Supp. 3d 1011 (E.D. Ark. 2022); No. 4:21-CV-01239-LPR, 2022 WL 300917 (E.D. Ark. Jan. 31, 2022); 586 F. Supp. 3d 893 (E.D. Ark. 2022).

Two civic organizations sued the Arkansas Board of Apportionment, the State of Arkansas, and certain Arkansas officials. Plaintiffs challenged the 2021 reapportionment plan for the Arkansas House of Representatives under Section 2 of the Voting Rights Act. Plaintiffs alleged that the plan unlawfully diluted Black voting strength and sought

expedited preliminary injunctive relief requiring a new districting plan for the 2022 election.

I presided over the expedited proceedings, ruled on pre-hearing matters, and conducted a preliminary-injunction hearing consisting of four days of testimony and a fifth day of closing arguments and legal presentations. In February of 2022, I denied the motion for preliminary injunction and dismissed the action without prejudice. I concluded that Section 2 of the Voting Rights Act did not expressly or implicitly provide a private right of action. The United States Court of Appeals for the Eighth Circuit affirmed the private-right-of-action ruling. But the Circuit modified the judgment from a dismissal without prejudice to a dismissal with prejudice—because the Circuit believed the private-right-of-action issue was a merits issue as opposed to a jurisdictional one. The Circuit subsequently denied a request for panel rehearing and a request for rehearing *en banc* in January of 2024.

Counsel for Plaintiffs:

Angela Liu
Dechert LLP
1095 Avenue of the Americas
New York, New York 10036
(212) 698-3678

Bryan L. Sells
The Law Office of Bryan L. Sells, LLC
Post Office Box 5493
Atlanta, Georgia 31107
(404) 480-4212

Gary Sullivan
U.S. Equal Employment Opportunity Commission
200 Jefferson Avenue, 14th Floor
Memphis, Tennessee 38103
(901) 685-4590

Counsel for Defendants:

Asher Steinberg
Formerly with the Arkansas Attorney General's Office
North Dakota Attorney General's Office
Department 125
600 East Boulevard Avenue
Bismark, North Dakota 58505
(701) 328-2210

Hon. Nicholas J. Bronni

Formerly with the Arkansas Attorney General's Office
Arkansas Supreme Court
Justice Building
625 Marshall Street
Little Rock, Arkansas 72201
(501) 682-6849

Dylan L. Jacobs
Formerly with the Arkansas Attorney General's Office
King Street Legal, PLLC
800 Connecticut Avenue, Northwest, Suite 300
Washington, District of Columbia 20006
(202) 400-2039

6) *Enviro Tech Chem. Servs., Inc. v. Safe Foods Corp.*, No. 4:21-CV-00601-LPR, 2022 WL 17721179 (E.D. Ark. Dec. 15, 2022); 2024 WL 3166087 (E.D. Ark. June 25, 2024).

Enviro Tech Chemical Services, Inc. sued Safe Foods Corporation for patent infringement. Enviro Tech claimed Safe Foods was infringing on a patented method of preparing poultry for distribution and sale. Plaintiff alleged that Defendant infringed numerous claims of the patent.

I was assigned the case in July of 2022. I held a claim-construction hearing in October of 2022. In December of 2022, I issued a claim-construction order finding two disputed patent terms indefinite. In June of 2024, after denying Plaintiff's motion to supplement its infringement contentions and after dealing with subsidiary issues in the case, I entered final judgment for Defendant on all claims brought against it. The United States Court of Appeals for the Federal Circuit affirmed that judgment in May of 2026.

Counsel for Plaintiff:

Nathan I. North
Patterson Intellectual Property Law PC
Roundabout Plaza, Suite 500
1600 Division Street
Nashville, Tennessee 37203
(615) 242-2400

Marshall S. Ney
Kael K. Bowling
Friday, Eldredge & Clark, LLP
3350 South Pinnacle Hills, Suite 301
Rogers, Arkansas 72758
(479) 659-6049

Counsel for Defendant:

Amir H. Alavi
Brian E. Simmons
Scott W. Clark
Alavi & Anaipakos PLLC
609 Main Street, Suite 3200
Houston, Texas 77002
(713) 751-2363

Jess L. Askew, III
Kutak Rock LLP
124 West Capitol Avenue, Suite 2000
Little Rock, Arkansas 72201
(501) 975-3001

7) *Hurd v. Flywheel Energy Prod.*, LLC, No. 4:21-CV-01207-LPR, 2023 WL 3687166 (E.D. Ark. May 26, 2023); 2023 WL 5669094 (E.D. Ark. July 25, 2023); 2024 WL 4571445 (E.D. Ark. Oct. 24, 2024), *abrogated by Pennington v. BHP Billiton Petroleum (Fayetteville), LLC*, No. 24-3382, 2026 WL 2223863 (8th Cir. Aug. 3, 2026).

Arkansas mineral-interest owners sued a natural-gas producer concerning royalty payments under private oil-and-gas leases. Plaintiffs alleged that Defendant wrongfully deducted post-production costs from the first one-eighth of their royalty payments in violation of their leases and Arkansas law. Defendant countered that the Arkansas law at issue permitted the deductions notwithstanding contrary lease terms. I began presiding over the case when it was transferred to me in December of 2021 (shortly after the original complaint was filed). The case was transferred to me due to its close relation to a group of cases I was then (and still am) presiding over. *See Oliger v. Flywheel Energy Prod., LLC*, No. 4:20-cv-01146-LPR (E.D. Ark.); *Eubanks v. Flywheel Energy Prod.*, LLC, No. 4:21-CV-00329-LPR (E.D. Ark.); *Flowers v. Flywheel Energy Prod., LLC*, No. 4:21-CV-00330-LPR (E.D. Ark.); *Pennington v. BHP Billiton Petroleum (Fayetteville), LLC*, No. 4:20-CV-00178-LPR (E.D. Ark.).

In January of 2023, the parties filed dueling motions for partial summary judgment. Because resolving those motions required interpreting an important Arkansas law in the absence of on-point caselaw from the Arkansas Supreme Court, I issued (in May of 2023) a published order certifying a legal question to the Arkansas Supreme Court. In that order, I explained my tentative view that the statute's plain language authorized the deductions Defendant was seeking. But I also asked the Arkansas Supreme Court for its interpretation of the statutory provision at issue. The Arkansas Supreme Court declined to answer the certified question. So, in July of 2023, I issued a published order based on my interpretation of the plain language of the Arkansas law, which I read to authorize the deductions Defendant wanted to take. I surmised that the Arkansas Supreme Court would allow deductions, and so I granted Defendant's motion for partial summary judgment.

In October of 2024, I issued a published order denying Plaintiffs' motion for reconsideration of the July 2023 partial summary judgment order. I also granted Defendant's motion for summary judgment. Plaintiffs argued that a recent decision by the Arkansas Court of Appeals diverged from my interpretation of the Arkansas law at issue, and that I was bound by (or should be persuaded by) the divergent interpretation. I denied Plaintiffs' motion because the Arkansas Court of Appeals' interpretation of the law was not dispositive of how the Arkansas Supreme Court would interpret the same law. Judgment was entered in Defendant's favor on all claims. In August of 2026, the Eighth Circuit abrogated the October 2024 order *sub nomine*. The Eighth Circuit concluded that the Arkansas statute was ambiguous and that, among other things, a statutory amendment that was enacted after my decision showed that an earlier Arkansas legislature had intended the law at issue to allow only deductions called for in the leases.

Counsel for Plaintiffs:

Joshua C. Ashley
Entergy Services, LLC
425 West Capitol Avenue, Suite 2700
Little Rock, Arkansas 72201
(501) 377-5425

Counsel for Defendant:

G. Alan Perkins
PPGMR Law, PLLC
Post Office Box 3446
Little Rock, Arkansas 72203
(501) 603-9000

M. Christine Dillard (current address unknown)

8) *Dobbs v. United States*, No. 4:20-CV-01192-LPR, 2023 WL 8436063 (E.D. Ark. Dec. 5, 2023).

A retired United States Marine and his wife sued the United States under the Federal Tort Claims Act following the Marine's spinal surgery at the Central Arkansas Veterans Healthcare System. Plaintiffs alleged that the surgeon's treatment of a dural tear, particularly the placement of a drain, fell below the applicable standard of care and caused a cerebrospinal-fluid leak resulting in a serious brain hemorrhage.

I presided over the case from its filing in 2020 through a four-day bench trial in late 2022 and post-trial proceedings. I ruled on evidentiary motions and the Government's motion for judgment on partial findings. In December of 2023, I found that the surgeon breached the applicable standard of care and that the breach proximately caused the brain hemorrhage. I issued findings of fact and conclusions of law, and then I entered

judgment for Plaintiffs in the sum of (approximately) $3.1 million. On the Government's motion to alter the judgment, I revised the future-care damages calculation and thus reduced the judgment to (approximately) $2.97 million.

The Government initially appealed, but it later dismissed the appeal. Following remand, I approved the parties' settlement, after which the case was dismissed.

Counsel for Plaintiffs:

George R. Wise, Jr.
Brad Hendricks Law Firm
500 Pleasant Valley Drive, Suite C
Little Rock, Arkansas 72227
(501) 221-0444

Laurie M. Higginbotham
Tom Jacob
Whitehurst, Harkness, Brees, Cheng, Alsaffar, Higginbotham & Jacob, PLLC
1114 Lost Creek Boulevard, Suite 410
Austin, Texas 78735
(512) 476-4400

Counsel for Defendant:

Lindsey Mitcham Lorence
Shannon S. Smith
United States Attorney's Office for the Eastern District of Arkansas
425 West Capitol Avenue, Suite 500
Little Rock, Arkansas 72201
(501) 340-2600

9) *Equal Emp. Opportunity Comm'n v. Kroger Ltd. P'ship I*, 608 F. Supp. 3d 757 (E.D. Ark. 2022).

The Equal Employment Opportunity Commission sued a national grocery retailer under Title VII of the Civil Rights Act of 1964. Two former employees intervened in the action. The Equal Employment Opportunity Commission and the former employees alleged that the retailer discriminated against the former employees when it failed to accommodate the employees' religious objections to wearing a company apron displaying a multicolored heart symbol that the employees believed expressed support for the LGBTQ community. Instead of accommodating the employees, the company terminated them for refusing to comply with the dress code.

I presided over the case from its filing in 2020 through its resolution in 2022. I held oral argument on the parties' cross-motions for summary judgment. Then, I issued an order granting in part and denying in part the retailer's motion and denying the Equal

Employment Opportunity Commission's motion. I dismissed the retaliation claim. But I concluded that the religious-accommodation claims presented factual issues for trial. Specifically, I concluded that an employee's sincere belief that a certain company rule burdens their religious exercise is not subject to an objective reasonableness test and that a company must show real disruption or real potential for disruption to justify its refusal to accommodate a sincere religious belief. Before trial, the parties resolved the still-live claims through a consent decree, which I approved in October 2022.

Counsel for Plaintiff:

Faye A. Williams
Pamela B. Dixon
Equal Employment Opportunity Commission
820 Louisiana Street, Suite 200
Little Rock, Arkansas 72201
(800) 669-4000

Counsel for Intervenor Plaintiffs:

David R. Hogue
Faulkner County District Court Judge
810 Parkway Street
Conway, Arkansas 72034
(501) 450-6112

Counsel for Defendant:

Cynthia W. Kolb
Rose Law Firm
120 East Fourth Street
Little Rock, Arkansas 72201
(501) 375-9131

Faith C. Whittaker
Cincinnati Children's Hospital Medical Center
3333 Burnet Avenue
Cincinnati, Ohio 45229
(513) 636-4200

10) *United States v. Lee*, 471 F. Supp. 3d 897 (E.D. Ark. 2020).

This matter involved post-conviction proceedings in a federal capital case. Defendant had been convicted of racketeering offenses and multiple murders in aid of racketeering. He had been sentenced to death.

After the prior presiding judge recused, I was assigned the case on July 6, 2020, approximately one week before Defendant's scheduled execution. Several time-sensitive motions were pending when the case was reassigned to me. I established expedited briefing schedules and ordered supplemental briefing concerning Defendant's challenges to the execution date. On July 10, 2020, I denied Defendant's motions to invalidate or modify the execution date, including his request for relief based on the COVID-19 pandemic. The following day, I issued a published opinion denying Defendant's motion for additional DNA comparison testing under the Innocence Protection Act and the Fifth Amendment.

During the same period, the United States Court of Appeals for the Eighth Circuit denied Defendant a stay of execution, a certificate of appealability, and authorization to file a successive § 2255 motion in an appeal from an order entered before the case was reassigned to me. Defendant separately appealed my July 10 order to the Eighth Circuit; following his execution, that appeal was administratively closed.

Counsel for Plaintiff:

Michael S. Gordon
Stacey Elise McCord
United States Attorney's Office for the Eastern District of Arkansas
425 West Capitol Avenue, Suite 500
Little Rock, Arkansas 72201
(501) 340-2652

Robert A. De La Cruz
U.S. Department of Justice, Terrorism/Violent Crimes
950 Pennsylvania Avenue, Northwest
Washington, District of Columbia 20530
(202) 563-6629

Counsel for Defendant:

David A. Ruhnke
Ruhnke & Barrett
47 Park Street
Montclair, New Jersey 07042
(973) 744-1000

Jack Lassister
Lassiter & Cassinelli
1218 West Sixth Street
Little Rock, Arkansas 72201
(501) 370-9300

Morris H. Moon

Federal Capital Habeas Project
6411 Ivy Lane, Suite 710
Greenbelt, Maryland 20770
(713) 880-3556

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) *Malinowski v. United States*, No. 4:25-CV-00486-LPR, 2026 WL 1750072 (E.D. Ark. June 17, 2026).

Counsel for Plaintiff:

H.E. Bud Cummins
Law Offices of Bud Cummins PLC
1818 North Taylor Street, Suite 301
Little Rock, Arkansas 72207
(501) 831-6125

Matthew C. Stauffer
Bequette, Billingsley & Kees, P.A.
425 West Capitol Avenue, Suite 3200
Little Rock, Arkansas 72201
(501) 830-9999

Nathan F. Garrett
Graves Garrett Greim LLC
1100 Main Street, Suite 2700
Kansas City, Missouri 64105
(816) 285-3052

Counsel for Defendants:

Lindsey Mitcham Lorence
Shannon S. Smith
United States Attorney's Office for the Eastern District of Arkansas
425 West Capitol Avenue, Suite 500
Little Rock, Arkansas 72201
(501) 340-2600

Anna-Drake Stephens
United States Department of Justice
Constitutional & Specialized Torts
Post Office Box 7146

Washington, District of Columbia 20044
(202) 305-1576

2) *Novartis Pharms. Corp. v. Griffin*, No. 4:25-CV-00633-LPR, 2026 WL 1382468 (E.D. Ark. May 17, 2026).

Counsel for Plaintiff:

William Conner Eldridge, Jr.
Emily A. Neal
Eldridge Brooks, PLLC
5115 J.B. Hunt Drive, Suite 500
Rogers, Arkansas 72758
(479) 553-7678

Susan Cook
Hogan Lovells Cadwalader US LLP
555 Thirteenth Street, Northwest
Washington, District of Columbia 20004
(202) 637-6684

Jacob Tyler Young
12 East Spring Street
Alexandria, Virginia 22301
(801) 674-6813

Counsel for Defendants:

Jordan Broyles
Laura L. Purvis
Arkansas Attorney General's Office
101 West Capitol Avenue
Little Rock, Arkansas 72201
(501) 301-0169

3) *Dorobati v. Gaudiosi*, No. 4:24-CV-00743-LPR, 2026 WL 87295 (E.D. Ark. Jan. 12, 2026).

Counsel for Plaintiff:

Joshua L. Goldstein
Goldstein Immigration Lawyers
661 Wilshire Boulevard, Suite 317
Los Angeles, California 90017
(213) 425-1979

Counsel for Defendant:

Joseph McCarter
United States Department of Justice
Post Office Box 878
Washington, District of Columbia 20044
(202) 746-8537

Joshua A. Newton
United States Attorney's Office for the Eastern District of Arkansas
425 West Capitol Avenue, Suite 500
Little Rock, Arkansas 72201
(501) 340-2630

4) *Gray v. Mallory*, No. 4:25-CV-01057-LPR, 2025 WL 3252427 (E.D. Ark. Nov. 21, 2025).

Counsel for Plaintiff:

Lucien R. Gillham
Luther Oneal Sutter
Sutter & Gillham, PLLC
310 Natural Resources Drive, Suite 2
Little Rock, Arkansas 72205
(501) 315-1910

Counsel for Defendants:

Carl F. Cooper, III
Arkansas Attorney General's Office
101 West Capitol Avenue
Little Rock, Arkansas 72201
(501) 682-3658

5) *Walls v. Sanders*, 760 F. Supp. 3d 766 (E.D. Ark. 2024).

Counsel for Plaintiffs:

David Hinojosa
National Center for Youth Law
Post Office Box 21156
Washington, District of Columbia 20009
(202) 223-0724

Maya Brodziak
Lawyers' Committee for Civil Rights Under law

1500 K Street, Northwest, Suite 900
Washington, District of Columbia 20005
(202) 662-8339

Michael J. Laux
Laux Law Group
400 West Capitol Avenue, Suite 1700
Little Rock, Arkansas 72201
(501) 242-0750

Counsel for Defendants:

Asher Steinberg
Formerly with the Arkansas Attorney General's Office
North Dakota Attorney General's Office
Department 125
600 East Boulevard Avenue
Bismark, North Dakota 58505
(701) 328-2210

Dylan L. Jacobs
Formerly with the Arkansas Attorney General's Office
King Street Legal, PLLC
800 Connecticut Avenue, Northwest, Suite 300
Washington, District of Columbia 20006
(202) 400-2039

Hon. Nicholas J. Bronni
Formerly with the Arkansas Attorney General's Office
Arkansas Supreme Court
Justice Building
625 Marshall Street
Little Rock, Arkansas 72201
(501) 682-6849

6) *Hurd v. Flywheel Energy Prod., LLC*, No. 4:21-CV-01207-LPR, 2024 WL 4571445 (E.D. Ark. Oct. 24, 2024), *abrogated by, Pennington v. BHP Billiton Petroleum (Fayetteville), LLC*, No. 24-3382, 2026 WL 2223863 (8th Cir. 2026).

Counsel for Plaintiffs:

Joshua C. Ashley
Entergy Services, LLC
425 West Capitol Avenue, Suite 2700
Little Rock, Arkansas 72201
(501) 377-5425

Counsel for Defendants:

G. Alan Perkins
PPGMR Law, PLLC
Post Office Box 3446
Little Rock, Arkansas 72203
(501) 603-9000

M. Christine Dillard (current address unknown)

7) *Dobbs v. United States*, No. 4:20-CV-01192-LPR, 2023 WL 8436063 (E.D. Ark. Dec. 5, 2023).

Counsel for Plaintiffs:

George R. Wise, Jr.
Brad Hendricks Law Firm
500 Pleasant Valley Drive, Suite C
Little Rock, Arkansas 72227
(501) 221-0444

Laurie M. Higginbotham
Tom Jacob
Whitehurst, Harkness, Brees, Cheng, Alsaffar, Higginbotham & Jacob, PLLC
1114 Lost Creek Boulevard, Suite 410
Austin, Texas 78735
(512) 476-4400

Counsel for Defendant:

Lindsey Mitcham Lorence
Shannon S. Smith
United States Attorney's Office for the Eastern District of Arkansas
425 West Capitol Avenue, Suite 500
Little Rock, Arkansas 72201
(501) 340-2600

8) *Enviro Tech Chem. Servs., Inc. v. Safe Foods Corp.*, No. 4:21-CV-00601-LPR, 2022 WL 17721179 (E.D. Ark. Dec. 15, 2022), *aff'd*, 174 F.4th 919 (Fed. Cir. 2026).

Counsel for Plaintiff:

Nathan I. North
Patterson Intellectual Property Law PC
Roundabout Plaza, Suite 500

1600 Division Street
Nashville, Tennessee 37203
(615) 242-2400

Marshall S. Ney
Kael K. Bowling
Friday, Eldredge & Clark, LLP
3350 South Pinnacle Hills, Suite 301
Rogers, Arkansas 72758
(479) 659-6049

Counsel for Defendant:

Amir H. Alavi
Brian E. Simmons
Scott W. Clark
Alavi & Anaipakos PLLC
609 Main Street, Suite 3200
Houston, Texas 77002
(713) 751-2363

Jess L. Askew, III
Kutak Rock LLP
124 West Capitol Avenue, Suite 2000
Little Rock, Arkansas 72201
(501) 975-3001

9) *Equal Emp. Opportunity Comm'n v. Kroger Ltd. P'ship I*, 608 F. Supp. 3d 757 (E.D. Ark. 2022).

Counsel for Plaintiff:

Faye A. Williams
Pamela B. Dixon
Equal Employment Opportunity Commission
820 Louisiana Street, Suite 200
Little Rock, Arkansas 72201
(901) 544-0088

Counsel for Intervenor Plaintiffs:

David R. Hogue
Faulkner County District Court Judge
810 Parkway Street
Conway, Arkansas 72034
(501) 450-6112

Counsel for Defendant:

Cynthia W. Kolb
Rose Law Firm
120 East Fourth Street
Little Rock, Arkansas 72201
(501) 375-9131

Faith C. Whittaker
Cincinnati Children's Hospital Medical Center
3333 Burnet Avenue
Cincinnati, Ohio 45229
(513) 636-4200

10) *Arkansas State Conf. NAACP v. Arkansas Bd. of Apportionment*, 586 F. Supp. 3d 893 (E.D. Ark. 2022), *aff'd*, 86 F.4th 1204 (8th Cir. 2023).

Counsel for Plaintiffs:

Angela Liu
Dechert LLP
1095 Avenue of the Americas
New York, New York 10036-6797
(212) 698-3678

Bryan L. Sells
The Law Office of Bryan L. Sells, LLC
Post Office Box 5493
Atlanta, Georgia 31107-0493
(404) 480-4212

Gary Sullivan
U.S. Equal Employment Opportunity Commission
200 Jefferson Avenue, 14th Floor
Memphis, Tennessee 38103
(901) 685-4590

Counsel for Defendants:

Asher Steinberg
Formerly with the Arkansas Attorney General's Office
North Dakota Attorney General's Office
Department 125
600 East Boulevard Avenue
Bismark, North Dakota 58505

(701) 328-2210

Hon. Nicholas J. Bronni
Formerly with the Arkansas Attorney General's Office
Arkansas Supreme Court
Justice Building
625 Marshall Street
Little Rock, Arkansas 72201
(501) 682-6849

Dylan L. Jacobs
Formerly with the Arkansas Attorney General's Office
King Street Legal, PLLC
800 Connecticut Avenue, Northwest, Suite 300
Washington, District of Columbia 20006
(202) 400-2039

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

Garrett v. Payne, No. 4:20-CV-01252-LPR, 2023 WL 7229717 (E.D. Ark. Nov. 2, 2023), *rev'd and remanded*, 154 F.4th 599 (8th Cir. 2025), *as corrected* (Oct. 7, 2025), *reh'g denied*, 2026 WL 353615; *cert. pending*.

Porras v. Payne, No. 4:25-CV-00365-LPR, 2026 WL 126144 (E.D. Ark. Jan. 16, 2026), *certificate of appealability denied*, No. 26-1208, 2026 WL 2444988 (8th Cir. Mar. 17, 2026), *cert. pending*.

United States v. Balentine, No. 3:21-CR-00043-LPR, ECF 74 (E.D. Ark. May 14, 2024), *aff'd*, No. 24-3433, 2026 WL 668525 (8th Cir. Mar. 10, 2026), *cert. pending*.

Hammett v. Portfolio Recovery Assocs., LLC, No. 4:21-CV-00189-LPR, 2022 WL 3370912 (E.D. Ark. Aug. 16, 2022), and 2023 WL 6181809 (E.D. Ark. Aug. 23, 2023), *aff'd*, Nos. 23-2638, 23-3093 & 23-3432, 2024 WL 2845943 (8th Cir. June 5, 2024), *cert. denied*, 145 S. Ct. 1189 (2025).

Richardson v. Duncan, No. 4:21-CV-00134-LPR, 2023 WL 22612 (E.D. Ark. Jan. 3, 2023), *aff'd*, 117 F.4th 1025 (8th Cir. 2024), *cert. denied*, 146 S. Ct. 295 (2025).

United States v. Scales, No. 4:21-CR-00133-LPR, 2024 WL 230978 (E.D. Ark. Jan. 22, 2024), *certificate of appealability denied*, No. 24-1704, 2024 WL 4677434 (8th Cir. May 15, 2024), *cert. denied*, 145 S. Ct. 783 (2024).

Williamson v. Payne, No. 4:22-CV-01046-LPR, 2023 WL 2895886 (E.D. Ark. Apr. 11, 2023), *certificate of appealability denied*, No. 23-2740, 2023 WL 9380607 (8th Cir. Oct. 4, 2023), *cert. denied*, 144 S. Ct. 1370 (2024).

May v. Tims, No. 4:21-CV-00255-LPR-PSH, 2023 WL 2390693 (E.D. Ark. Mar. 7, 2023), *aff'd*, No. 23-1867, 2023 WL 7190170 (8th Cir. Sept. 18, 2023), *cert. denied*, 144 S. Ct. 846 (2024).

Webster v. Inst. of Virology, No. 4:22-CV-00720-LPR, 2022 WL 17587888 (E.D. Ark. Sept. 23, 2022), *appeal dismissed*, No. 22-3544, 2023 WL 3862564 (8th Cir. Jan. 19, 2023), *reh'g denied* (8th Cir. Feb. 22, 2023), *cert. denied*, 144 S. Ct. 155 (2023).

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.

Eubanks v. Flywheel Energy Prod., LLC, No. 4:21-CV-00329-LPR, 2025 WL 388811 (E.D. Ark. Feb. 4, 2025), *rev'd and remanded sub nom. Pennington v. BHP Billiton Petroleum (Fayetteville), LLC*, No. 24-3382, 2026 WL 2223863 (8th Cir. Aug. 3, 2026).

Oliger v. Flywheel Energy Prod., LLC, No. 4:20-CV-01146-LPR, 2025 WL 371794 (E.D. Ark. Feb. 3, 2025), *rev'd and remanded sub nom. Pennington v. BHP Billiton Petroleum (Fayetteville), LLC*, No. 24-3382, 2026 WL 2223863 (8th Cir. Aug. 3, 2026).

Flowers v. Flywheel Energy Prod., LLC, No. 4:21-CV-00330-LPR, 2025 WL 331329 (E.D. Ark. Jan. 29, 2025), *rev'd and remanded sub nom. Pennington v. BHP Billiton Petroleum (Fayetteville), LLC*, No. 24-3382, 2026 WL 2223863 (8th Cir. Aug. 3, 2026).

Pennington v. BHP Billiton Petroleum (Fayetteville), LLC, No. 4:20-CV-00178-LPR, 2024 WL 4652196 (E.D. Ark. Nov. 1, 2024), *rev'd and remanded*, No. 24-3382, 2026 WL 2223863 (8th Cir. Aug. 3, 2026).

Hurd v. Flywheel Energy Prod., LLC, No. 4:21-CV-01207-LPR, 2024 WL 4571445 (E.D. Ark. Oct. 24, 2024), *abrogated by Pennington v. BHP Billiton Petroleum (Fayetteville), LLC*, No. 24-3382, 2026 WL 2223863 (8th Cir. Aug. 3, 2026).

In this series of cases, Arkansas mineral-interest owners sued a natural-gas producer concerning royalty payments under private oil-and-gas leases. Plaintiffs alleged that Defendants wrongfully deducted post-production costs from the first one-eighth of their royalty payments in violation of their leases and Arkansas law. Defendants countered that the Arkansas law at issue permitted the deductions notwithstanding contrary lease terms. Because the plain language of the statute authorized the deductions that Defendants wanted to take, I surmised that the Arkansas Supreme Court would allow the deductions and granted summary judgment in relevant part. The Eighth Circuit reversed, concluding that the statute was ambiguous and that, among other things, a statutory amendment that was enacted after my decision showed that an earlier Arkansas legislature had intended the law at issue to allow only deductions called for in the leases.

Harris v. WEHCO Video, Inc., No. 2:21-CV-00040-LPR, 2024 WL 4350791 (E.D. Ark.

Sept. 30, 2024), *aff'd in part, rev'd in part and remanded sub nom. Harris v. WEHCO Video*, No. 24-3217, 2025 WL 2477154 (8th Cir. Aug. 28, 2025).

In this case, Plaintiff Johnny Harris sued his former employer (WEHCO Video) and some of its employees. Mr. Harris principally alleged race discrimination and retaliation in the form of (1) not being given access to an important customer relations management tool for his job, and (2) his placement on probationary status. He also alleged constructive discharge. I granted summary judgment in favor of WEHCO on all claims because I concluded that there was no evidence in the record from which a reasonable jury could conclude that the non-discriminatory reasons WEHCO gave for its conduct were pretext for discrimination.

The Eighth Circuit affirmed my decision with respect to Mr. Harris's placement on probationary status. But the Eighth Circuit concluded that Mr. Harris had done enough to create a genuine issue of material fact as to whether Defendants' explanation of Mr. Harris's lack of access to the customer relations management tool was pretextual. Accordingly, the Circuit reversed as to the claims based on lack of access to the customer relations management tool. The Circuit did not expressly address the constructive discharge portion of my order. The case is currently in settlement negotiations and, if those negotiations fall through, will proceed to trial.

Walls v. Sanders, 733 F. Supp. 3d 721 (E.D. Ark. 2024), *vacated and remanded*, 144 F.4th 995 (8th Cir. 2025).

In this case, two teachers, two students, and a civic organization sued Arkansas officials, challenging the constitutionality of the anti-indoctrination provision of the LEARNS Act. Generally speaking, the statutory provision at issue prevents teachers from forcing students to adopt or accept certain views. The teachers contended that the provision chilled them from speaking on controversial subjects and the students contended they had a right to hear such speech. Plaintiffs sought a preliminary injunction based on the provision's alleged infringement on the teachers' free speech rights and the students' free speech rights.

I declined to issue a preliminary injunction with respect to the teachers' claim, based in large part on the idea that the classroom speech regulated by the provision was government speech as opposed to the teachers' private speech. I did, however, grant a narrow preliminary injunction based on the students' claim because I concluded that binding Eighth Circuit precedent concerning a student's right-to-receive information required me to do so. I urged the Eighth Circuit to overturn this precedent (and thus my decision) in light of several Supreme Court cases on government speech doctrine. On appeal, the Eighth Circuit concluded that, in light of the government speech doctrine, it could and should walk away from the precedent I encouraged overturning. Accordingly, the Court reversed and remanded, vacating the preliminary injunction.

Garrett v. Payne, No. 4:20-CV-01252-LPR, 2023 WL 7229717 (E.D. Ark. Nov. 2, 2023), *rev'd and remanded*, 154 F.4th 599 (8th Cir. 2025), *as corrected* (Oct. 7, 2025).

In this habeas case, I adopted the Proposed Findings and Recommendation of Magistrate Judge Patricia Harris. Specifically, I adopted her view that a motion for belated appeal in Arkansas is part of the direct-review process as opposed to the collateral review process. The import of this question to the case was that Mr. Garrett's habeas petition would only be timely if the motion for belated appeal was considered to be part of the collateral review process. Over a dissent by Judge Stras, the Eighth Circuit concluded that a motion for belated appeal in Arkansas is part of the collateral review process. Therefore, the Circuit concluded that Mr. Garrett's habeas petition was timely and reversed my contrary conclusion. The case was remanded for additional habeas proceedings, but certiorari is presently being sought.

Arkansas State Conf. NAACP v. Arkansas Bd. of Apportionment, 586 F. Supp. 3d 893 (E.D. Ark. 2022), *aff'd*, 86 F.4th 1204 (8th Cir. 2023).

Two civic organizations sued the Arkansas Board of Apportionment, the State of Arkansas, and certain Arkansas officials. Plaintiffs challenged the 2021 reapportionment plan for the Arkansas House of Representatives under Section 2 of the Voting Rights Act. Plaintiffs alleged that the plan unlawfully diluted Black voting strength and sought expedited preliminary injunctive relief requiring a new districting plan for the 2022 election.

I denied the motion for preliminary injunction and dismissed the action without prejudice. I concluded that Section 2 of the Voting Rights Act did not expressly or implicitly provide a private right of action. Neither party had raised this issue, but my read of an Eighth Circuit case (*Cross v. Fox*, 23 F.4th 797 (8th Cir. 2022)) suggested the Circuit treated this question as a jurisdictional one. I noted that such treatment seemed potentially out of line with earlier Supreme Court precedent, but I explained that this was a tension for the Eighth Circuit to resolve. Accordingly, and since a court has an obligation to raise jurisdictional issues *sua sponte*, I asked the parties to brief the private-right-of-action issue and then ruled on that basis.

The Eighth Circuit affirmed my private-right-of-action ruling. But the Circuit read *Cross v. Fox* differently. The Circuit concluded that, in the run-of-the-mill case, a private-right-of-action-issue is a merits issue as opposed to a jurisdictional one. Accordingly, the Circuit modified the judgment from a dismissal without prejudice to a dismissal with prejudice. The Circuit subsequently denied panel and *en banc* rehearing in January of 2024.

United States v. Floss, No. 4:20-CR-00222-LPR, ECF 48 (E.D. Ark. Apr. 6, 2021), *aff'd and remanded*, 42 F.4th 854, 860 (8th Cir. 2022).

Mr. Floss pled guilty to failure to report international travel under the Sex Offender Registration and Notification Act. I sentenced him to 36 months in prison. I also sentenced him to 15 years of supervised release, with up to the first 36 months to be served on home detention.

The Circuit generally affirmed my sentence. As to the prison sentence, the affirmance was absolute. As to the 15 years of supervised release, the Circuit assumed—without deciding—that I had made a mistake in calculating the guidelines range, concluded it was not plain error, and concluded it did not affect Mr. Floss's substantial rights. So the Circuit affirmed my supervised release sentence. However, because the written judgment said that home detention would be for the first three years and the Court's oral pronouncement instead said home detention would be for up to the first three years, the Circuit remanded the case with instructions to amend the written judgment to conform it to the Court's oral pronouncement. A copy of the original judgment is provided.

United States v. Atkins, No. 4:18-CR-00454-LPR, ECF 188 (E.D. Ark. Sept. 20, 2021), *aff'd and remanded*, 52 F.4th 745 (8th Cir. 2022).

A jury found Mr. Atkins guilty of sex trafficking of a minor. I sentenced him to 120 months of prison and 15 years of supervised release. The conviction and sentence were upheld by the Eighth Circuit. However, the Circuit ordered a limited remand for me to conform two special conditions of supervised release to the language required by two Eighth Circuit cases that issued after Mr. Atkins had been sentenced. The conforming language was necessary, in the Circuit's view, to remedy what would otherwise have been vague conditions of supervised release. A copy of the original judgment is provided.

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.

Since becoming a United States District Judge, I have issued over 4,700 orders/opinions. The unpublished opinions and orders comprise approximately 99% of the opinions and orders I have authored. Most of them are routine, standard form, and text-only orders. They are stored in the Court's electronic filing system CM/ECF and available through PACER. Many of my unpublished opinions are available on Westlaw and Lexis.

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.

Walls v. Sanders, No. 4:24-CV-00270-LPR, 2026 WL 2256862 (E.D. Ark. Aug. 5, 2026).

Malinowski v. United States, No. 4:25-CV-00486-LPR, 2026 WL 1948181 (E.D. Ark. July 6, 2026).

Malinowski v. United States. No. 4:25-CV-00486-LPR, 2026 WL 1750072 (E.D. Ark. June 17, 2026).

Williams v. Pine Bluff Sch. Dist., No. 4:26-CV-00343-LPR, 2026 WL 1558244 (E.D. Ark. June 2, 2026).

Novartis Pharms. Corp. v. Griffin, No. 4:25-CV-00633-LPR, 2026 WL 1382468 (E.D. Ark. May 17, 2026).

Gray v. Mallory, No. 4:25-CV-01057-LPR, 2026 WL 1195833 (E.D. Ark. May 1, 2026).

Gray v. Mallory, No. 4:25-CV-01057-LPR, 2025 WL 3252427 (E.D. Ark. Nov. 21, 2025).

Roth v. Jones, 795 F. Supp. 3d 1090 (E.D. Ark. 2025).

Sera v. Zimmerman, No. 4:24-CV-00817-LPR, 2025 WL 2213225 (E.D. Ark. Aug. 4, 2025), *aff'd*, No. 25-2564, 2026 WL 2527318 (8th Cir. Aug. 27, 2026).

Frazier v. City of Alexander, No. 4:25-CV-00338-LPR, 2025 WL 1362227 (E.D. Ark. May 9, 2025).

Bland-McCullough v. Tapley, No. 4:23-CV-00037-LPR, 2025 WL 890508 (E.D. Ark. Mar. 20, 2025).

Walls v. Sanders, 760 F. Supp. 3d 766 (E.D. Ark. 2024).

Pennington v. BHP Billiton Petroleum (Fayetteville), LLC, No. 4:20-CV-00178-LPR, 2024 WL 4652196 (E.D. Ark. Nov. 1, 2024), *rev'd and remanded*, No. 24-3382, 2026 WL 2223863 (8th Cir. Aug. 3, 2026).

Hurd v. Flywheel Energy Prod., LLC, No. 4:21-CV-01207-LPR, 2024 WL 4571445 (E.D. Ark. Oct. 24, 2024), *abrogated by Pennington v. BHP Billiton Petroleum (Fayetteville), LLC*, No. 24-3382, 2026 WL 2223863 (8th Cir. Aug. 3, 2026).

NewRays One LLC v. Faulkner Cnty., No. 4:24-CV-00824-LPR, 2024 WL 4468784 (E.D. Ark. Oct. 8, 2024).

Thornsberry v. Kelly, No. 2:21-CV-00113-LPR-JTK, 2024 WL 3992329 (E.D. Ark. Aug. 29, 2024).

Buckley v. Fallis, No. 4:21-CV-00666-LPR, 2024 WL 3849761 (E.D. Ark. Aug. 16, 2024).

Walls v. Sanders, 733 F. Supp. 3d 721 (E.D. Ark. 2024), *vacated and remanded*, 144 F.4th 995 (8th Cir. 2025).

United States v. Butler, No. 2:22-CR-00007-LPR-1, 2024 WL 1766280 (E.D. Ark. Apr. 24, 2024), *aff'd*, 168 F.4th 1107 (8th Cir. 2026).

Calvin v. Randall, No. 4:21-CV-00224-LPR, 2024 WL 1346514 (E.D. Ark. Mar. 29, 2024).

Bosch v. Thurman, No. 4:22-CV-00677-LPR, 2024 WL 841252 (E.D. Ark. Feb. 28, 2024).

Joyner v. Payne, No. 4:22-CV-00183-LPR, 2024 WL 841502 (E.D. Ark. Feb. 28, 2024), *certificate of appealability denied*, No. 24-1458, 2024 WL 4011716 (8th Cir. Mar. 26, 2024).

Bosch v. Thurman, No. 4:22-CV-00677-LPR, ECF 61 (E.D. Ark. Oct. 25, 2023).

Mason v. Carruth, No. 2:22-CV-00151-LPR, 2023 WL 4296096 (E.D. Ark. June 30, 2023).

Benton v. Payne, No. 4:22-CV-00746-LPR, 2023 WL 4174719 (E.D. Ark. June 26, 2023).

Lamar v. Profiri, No. 4:21-CV-00529-LPR, 2023 WL 3791456 (E.D. Ark. June 2, 2023).

Humes v. White Cnty., No. 4:20-CV-00479-LPR, 2023 WL 3391610 (E.D. Ark. May 11, 2023), *aff'd, Humes v. Jones*, 109 F.4th 1112 (8th Cir. 2024).

Thomas v. Culclager, No. 4:20-CV-01486-LPR, 2023 WL 2478715 (E.D. Ark. Mar. 13, 2023).

Terry v. Sanders, No. 2:21-CV-00144-LPR, 2023 WL 166732 (E.D. Ark. Jan. 11, 2023).

Hufford v. Graves, No. 4:21-CV-00388-LPR, 2023 WL 163589 (E.D. Ark. Jan. 11, 2023).

Humphrey v. Payton, No. 4:21-CV-00194-LPR, 2022 WL 17821616 (E.D. Ark. Dec. 20, 2022).

Reed v. City of Conway, No. 4:20-CV-01111-LPR, 2022 WL 3647864 (E.D. Ark. Aug. 24, 2022).

Long v. Smith, No. 2:19-CV-00061-LPR, 2022 WL 906352 (E.D. Ark. Mar. 28, 2022), *aff'd*, No. 22-3060, 2023 WL 8015434 (8th Cir. Nov. 20, 2023).

Calvin v. Randall, No. 4:21-CV-00224-LPR, 2022 WL 839053 (E.D. Ark. Mar. 21, 2022).

Hayes v. Graves, No. 4:21-CV-00347-LPR, 2022 WL 822881 (E.D. Ark. Mar. 16, 2022).

Arkansas State Conf. NAACP v. Arkansas Bd. of Apportionment, 586 F. Supp. 3d 893 (E.D. Ark. 2022), *aff'd*, 86 F.4th 1204 (8th Cir. 2023).

United States v. Mathes, No. 2:20-CR-00154-LPR, 2021 WL 4783303 (E.D. Ark. Oct. 13, 2021), *aff'd*, 58 F.4th 990 (8th Cir. 2023).

Comic v. White Cnty., No. 4:19-CV-00777-LPR, 2021 WL 4467741 (E.D. Ark. Sept. 29, 2021).

Garey v. Langley, No. 2:17-CV-00117-LPR, 2021 WL 4150602 (E.D. Ark. Sept. 13, 2021), *aff'd*, No. 22-3147, 2023 WL 6620071 (8th Cir. Oct. 11, 2023).

Lamar v. Hutchinson, No. 4:21-CV-00347-LPR, 2021 WL 4047158 (E.D. Ark. Sept. 3, 2021).

Anderson v. Driskill, 550 F. Supp. 3d 596 (E.D. Ark. 2021).

Davis v. Pulaski Cnty., No. 4:19-CV-00643-LPR, 2021 WL 2875856 (E.D. Ark. July 8, 2021).

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

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

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

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

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

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

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

As a federal district court judge, I have sought to comply with 28 U.S.C. § 455, disqualifying myself in specific circumstances commanded by the statute and in any case where my

impartiality might reasonably be questioned. I have done this in two ways. I maintain an automatic recusal list with the Clerk of Court. This list covers all individuals and entities that I believe will always trigger recusal in my courtroom. For example, this list includes—among other individuals and entities—former clerks (for two years from the end of their clerkship), close friends, and companies in which I own stock. After a judge is randomly selected to preside over a case, the Clerk's Office checks whether that judge's automatic recusal list is triggered. If it is, the case gets automatically reassigned to another judge. In addition to the foregoing, when a case makes it through the (figurative) door to my chambers, one of the first things I check is whether there is any potential reason to consider recusal. If there is, I either decide that recusal is appropriate or ventilate the issue with the parties to get their thoughts before making a recusal decision. Finally, if a motion for recusal is made, I allow a response from the other side and then consider whether the statutory standard for recusal is met in the circumstances of the case.

Out of the approximately 3,000 cases formally assigned to me in my seven years on the bench, I have recused in 97 cases.

In the 51 cases listed below, I recused because I was, at least nominally, named as a defendant or an otherwise involved person in the case. In each of these cases, I raised and decided the recusal issue *sua sponte*:

Grays v. Payne, 4:21-CV-00356-BRW
Morningstar v. Arnold, 4:21- CV -00607-BSM
Ashley v. Arnold, 4:21- CV -00608-BSM
Dorn v. Arnold, 4:21- CV -00609-BSM
Gibbs v. Arnold, 4:21- CV -01021-BSM
Ashley v. Arnold, 4:21- CV -01022-BSM
Law v. Arnold, 4:21- CV -01023-BSM
Kursh v. Arnold, 4:21- CV -01024-BSM
Benson v. Arnold, 4:21- CV -01025-BSM
Hatton v. Arnold, 4:21-CV-01026-BSM
Kirkham v. Arnold, 4:21-CV-01027-BSM
Raino v. Arnold, 4:21-CV-01028-BSM
Craig v. Arnold, 4:21-CV-01029-BSM
Braxton v. Arnold, 4:21-CV-01030-BSM
English v. Arnold, 4:21-CV-01031-BSM
White v. Arnold, 4:21-CV-01032-BSM
Stroup v. Arnold, 4:21-CV-01033-BSM
Anderson v. Arnold, 4:21-CV-01034-BSM
Dalton v. Arnold, 4:21-CV-01035-BSM
Shilow v. Arnold, 4:21-CV-01036-BSM
Redus v. Arnold, 4:21-CV-01037-BSM
Askew v. Arnold, 4:21-CV-01038-BSM
Vazquez v. Arnold, 4:21-CV-01039-BSM
Johnson v. Arnold, 4:21-CV-01040-BSM
Janet v. Arnold, 4:21-CV-01041-BSM
Gordon v. Arnold, 4:21-CV-01042-BSM

Cheatham v. Arnold, 4:21-CV-01043-BSM
Wiser v. Arnold, 4:21-CV-01044-BSM
Pollard v. Arnold, 4:21-CV-01045-BSM
Hitchcock v. Arnold, 4:21-CV-01046-BSM
Lopez v. Arnold, 4:21-CV-01047-BSM
Hahn v. Arnold, 4:21-CV-01048-BSM
Lute v. Arnold, 4:21-CV-01049-BSM
Sedrick v. Arnold, 4:21-CV-01050-BSM
Remely v. Arnold, 4:21-CV-01051-BSM
Walker v. Arnold, 4:21-CV-01052-BSM
Almond v. Arnold, 4:21-CV-01053-BSM
Christopher v. Arnold, 4:21-CV-01054-BSM
Jack v. Arnold, 4:21-CV-01055-BSM
Howard v. Arnold, 4:21-CV-01056-BSM
Cherb v. Arnold, 4:21-CV-01057-BSM
Wade v. Arnold, 4:21-CV-01058-BSM
Mehn v. Arnold, 4:21-CV-01059-BSM
Brock v. Arnold, 4:21-CV-01060-BSM
Wright v. Arnold, 4:21-CV-01061-BSM
Harrison v. Arnold, 4:21-CV-01062-BSM
Sharpe v. Arnold, 4:21-CV-01063-BSM
Edwards v. Nash, 4:26-CV-00706-LPR-ERE
Doss v. Nash, 4:26-CV-00707-LPR-ERE
Ashley v. Nash, 4:26-CV-00726-LPR-ERE
Roberts v. Payne, 5:04-CV-00004-JM

In the ten cases listed below, I recused because, at the time of recusal, either a party (or its affiliate) was itself on my recusal list or I determined that the case could have a direct or significant indirect effect on an individual or entity (or its affiliate) on my recusal list. In each of these cases, I raised and decided the recusal issue *sua sponte*.

Wilson v. Clearwater Paper, 2:22-CV-00060-DPR
Ingram v. C.H. Robinson Co., 2:23-CV-00156-KGB
Gill Custom Application LLC v. RLI Ins. Co., 2:24-CV-00053-BSM
Serna v. Titan Int'l Inc., 2:25-CV-00117-BSM
Pharm. Rsch. and Mfrs. of Am. v. McClain, 4:21-CV-00864-KGB
Gray v. Unum Life Ins., 4:21-CV-01208-KGB
Wooley v. Cato Corp., 4:22-CV-00997-BSM
Eades v. Citizens Fin. Group Inc., 4:23-CV-01099-JM
Wilborn v. Centennial Bank, 4:24-CV-00762-BSM
Gibson v. Nat'l R.R. Passenger Corp., 4:25-CV-00396-KGB

In the five cases listed below, I recused because at least one of the litigants was a close enough friend or colleague that I decided that hearing the matter would either be an actual conflict or present the appearance of a conflict. In all but one of these cases, I raised and decided the

recusal issue *sua sponte*. In the *Imber* case, I raised the specific reason for which I recused *sua sponte*, but did so after Plaintiff filed a motion to recuse me on other grounds.

Bunch v. Marshall, 4:21-CV-00431-WMW
Maskell v. Kemp, 4:24-CV-00037-BSM
Noble v. Kemp, 4:24-CV-00812-KGB
Imber v. Flywheel Energy LLC, 4:25-CV-00479-BSM
McClain v. Baker, 4:25-CV-00741-BSM

In the four cases listed below, I concluded that the alleged and/or material facts in those cases touched on issues that were too close to circumstances of my own immediate or extended family for me to fairly sit on the case. In each of these cases, I raised and decided the recusal issue *sua sponte*.

Doe v. Greenbrier Sch. Dist., 4:21-CV-00987-BRW
Doe v. Vilonia Sch. Dist., 4:23-CV-00696-KGB
Allen v. Hot Springs Sch. Dist., 4:25-CV-00626-DPM
Does v. Conway Sch. Dist., 4:26-CV-00001-BSM

In the four cases listed below, I recused because something a party did or said was so out-of-bounds that it made it difficult for me to fairly adjudicate the case, and I did not believe the party did or said the problematic thing in an intentional attempt to get me off the case. In these four cases, I raised and decided the recusal issue *sua sponte*.

Mullenix v. City of Jonesboro, 3:21-CV-00232-BSM
United States v. Thomas, 3:23-CR-00020-KGB-1
Hammett v. Portfolio Recovery Assocs. LLC, 4:21-CV-00189-BSM
Thompson v. Conagra Brands Inc., 4:21-CV-01133-BSM

In the four cases listed below, I recused because the Arkansas Attorney General's Office was temporarily on my recusal list. In these four cases, I raised and decided the recusal issue *sua sponte*. These cases all arose soon after I came to the bench. At that time, the Arkansas Attorney General's Office was on my recusal list because I had worked there as Solicitor General of Arkansas shortly before coming to the bench.

Ferrell v. Kelley, 4:20-CV-00035-KGB
Barber v. Steve, 4:20-CV-00051-BRW
Perry v. McDaniels, 4:20-CV-00052-JM
Aikens v. Green, 4:20-CV-00120-BRW

In the three cases listed below, I recused because I either did or may have worked on, supervised, or known details of the case while litigating at the Arkansas Attorney General's Office. The recusals would have taken place after enough time passed since my employment at the Arkansas Attorney General's Office that I no longer needed to automatically recuse on cases involving the Arkansas Attorney General's Office. In the *Green* case, I raised and decided the recusal issue *sua sponte*. In the other two cases, I recused after the Arkansas Attorney General's Office

notified me that an initial check of privileged emails indicated that I had some level of participation in matters related to the cases at bar.

Green v. Payne, 4:20-CV-01449-JM
Strawhacker v. Payne, 4:23-CV-00692-BRW
Lewis v. Payne, 4:23-CV-01013-KGB

In the two cases listed below, I recused because the State of Arkansas was temporarily on my recusal list. In each of these cases, I raised and decided the recusal issue *sua sponte*. These cases all arose soon after I came to the bench. At that time, the State of Arkansas was on my recusal list because the State had been my primary client when I worked as Solicitor General of Arkansas, which was shortly before coming to the bench.

United States v. Neely, 4:19-CR-00405-JM
Burnett v. Payne, 4:19-CV-00890-KGB

In the two cases listed below, I recused because I had a large insurance claim with one of the parties at or around that time. In each of these cases, I raised and decided the recusal issue *sua sponte*.

Parker v. Allstate Ins. Co., 4:22-CV-00819-BRW
Allstate Prop. and Cas. Ins. Co. v. Blackburn, 4:26-CV-00085-KGB

In the twelve cases listed below, I cannot recall the specific basis for my recusal. But I would not have recused in a case unless I believed the statutory requirements for recusal were met. I am of the opinion that, when the statutory requirements for recusal are not met, a judge has a duty to sit that is as important as the duty to recuse when required.

Williams v. Collard, 3:24-CV-00113-DPM
Towner v. Bold Team LLC, 3:24-CV-00128-DPM
Lewis v. Arkansas State Police, 4:18-CV-00510-JWB
Janet v. Payne, 4:21-CV-00933-JM
Taylor v. Capital One Fin. Corp, 4:23-CV-00581-JM
Federal Nat'l Mtg. Assoc. v. Apex Towne Cnty. LLC, 4:24-CV-00634-JM
Nguyen v. Savage Enters., 4:24-CV-00939-DPM
Ehrenberg v. Cigarette Store LLC, 4:24-CV-00939-DPM
Hill v. Culclager, 4:24-CV-01060-KGB
Guidry v. USA, 4:25-CV-00065-JM
Wilkes v. AmeriSave Mtg. Corp., 4:26-CV-00002-JM
Washington v. Nat'l Credit Union Admin. Bd., 4:26-CV-00083-BSM

I have denied seven motions for recusal:

In *Ward v. Copenhaver*, 3:22-CV-00250-LPR-BBM, Mr. Ward sought my recusal primarily based on his belief that I was biased against him and was intentionally delaying his case and ruling against him because of that bias. This was not true. And in denying his motion, I noted

that nothing in the way the case had been handled came anywhere close to meeting the governing recusal standard. In part to assuage Mr. Ward's incorrect but seemingly sincere concerns, I referred the case to the magistrate judge to make all non-dispositive rulings and to write recommendations to me on all dispositive rulings.

In *Robinson v. Payne*, 4:20-CV-01187-LPR, Mr. Robinson filed a conclusory motion to recuse me, alleging only that I violated unidentified criminal and civil laws. Mr. Robinson provided no facts that actually supported his legal contention. And his contention was untrue. Because there was no valid basis for recusal, I denied the motion.

In *Arkansas State Conference NAACP v. Arkansas Board of Apportionment*, 4:21-CV-01239-LPR, Plaintiffs sought my recusal on the grounds of an appearance of impropriety. While acknowledging that I had no actual conflict in the case, Plaintiffs principally argued that I should recuse because Governor Hutchinson and Attorney General Rutledge were official-capacity defendants in the case, and in the past I had made political donations to each of them and had worked for Attorney General Rutledge as Solicitor General of Arkansas. I disagreed for reasons I laid out in a 17-page order. I cannot explain the reasons for my decision, and my overall approach to recusals, any clearer than the way I did in that order.

In *Sherman v. Payne*, 4:24-CV-00343-LPR and *Sherman v. Payne*, 4:25-CV-00153-LPR, I denied a total of three motions. They were all completely frivolous motions. Two of the motions primarily accused me and the magistrate judge of trying to falsely imprison and kill Plaintiff. The other motion primarily accused me and the magistrate judges (and all federal court judges in Arkansas) of being biased in favor of the state because the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) and the Prison Litigation Reform Act (PLRA) were enacted by Arkansas-born President Clinton. The foregoing are not the only grounds on which recusal was sought, but they are generally representative of the contentions in the recusal motions. I denied the motions because they were frivolous and stated no reason that would trigger the statutory need to recuse.

In *Frazier v. City of Alexander*, 4:25-CV-00338-LPR, Mr. Frazier sought my recusal in large part because he believed I caused a BOLO alert to be placed on him. That was not true. Similarly untrue was Mr. Frazier's other principal reason for asking for recusal: alleged *ex parte* communications between me and defense counsel. Because there was no valid basis for recusal, I denied the motion.

15. <u>Public Office, Political Activities and Affiliations</u>:

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.

Solicitor General of Arkansas (July 2015 – July 2018). I was appointed by Arkansas Attorney General Leslie Rutledge.

Arkansas Advisory Committee to the United States Commission on Civil Rights (November 2016 – November 2019). To the best of my understanding, I was appointed by the Commission.

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.

Member, Arkansas Republican Party (2014 – 2019).

Member, Tusk Club (2016 – 2019).

Fundraiser Host, Leslie Rutledge for Arkansas Attorney General (2018). My wife and I hosted a fundraiser for Leslie Rutledge at our home.

Volunteer Fundraiser, Jeb Bush for President (2016). I solicited donations from friends for Jeb Bush.

Member, Northwest Arkansas Chapter of the Arkansas Young Republicans (2014 – 2015).

Member, Benton County Republican Committee (2014 – 2015).

Volunteer Lawyer, Cotton for Senate (2014). I provided advice to campaign counsel on how to set up and run a volunteer lawyers group during the campaign and on election day. I also fielded legal questions on election day. In addition to my work as a volunteer lawyer, I solicited campaign contributions from friends for Senator Cotton.

Fundraiser Host, Ron DeSantis for Congress (2012). My wife and I hosted a fundraiser for Ron DeSantis at our home.

Deputy General Counsel and Director of Legal Election Day Operations, Mitt Romney for President (February 2012 – December 2012). I coordinated staff lawyers and volunteer lawyers for poll watching activities, litigation support, and potential recount contingencies. I reviewed press statements for legal propriety. I assisted in ensuring fair state primaries, caucuses, and conventions. I also carried out routine in-house counsel responsibilities.

Deputy General Counsel and Acting General Counsel, Steve Poizner for Governor (January 2010 – June 2010). I coordinated volunteer lawyers for poll watching activities, litigation support, and potential recount contingencies. I reviewed press statements and advertisements for legal propriety. I supervised the campaign's financial reporting responsibilities. I also carried out routine in-house counsel responsibilities.

Volunteer Lawyer, McCain for President / Lawyers for McCain (2008). I assisted with ballot access issues during early voting and on election day in Nevada. I also prepared litigation papers for potential filing.

Member, Romney for President Judicial Advisory Council (2008). I was a member of the campaign's judicial advisory council.

President, Harvard Law Republicans (2004 – 2005).

Political Director, Harvard Law Republicans (2003 – 2004).

Member, Harvard Law Republicans (2002 – 2005).

Poll Watcher, George W. Bush for President (2004).

Director of Elections, Cornell Republicans (2001).

Member, Cornell Republicans (1997 – 2002).

Volunteer, Rick Lazio for Senate (2000). As a member of the Cornell Republicans, I volunteered for phone banks and door-to-door campaigning in support of Rick Lazio.

Volunteer, Allan Binder for Suffolk County Legislator (1996). I vaguely recall that, when I was in high school, I volunteered as a leafletter and phone banker for Allan Binder.

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 2005 to 2006, I served as a law clerk to the Honorable Robert J. Cordy III, Associate Justice of the Massachusetts Supreme Judicial Court.

From 2006 to 2007, I served as a law clerk to the Honorable Andrew J. Kleinfeld, Circuit Judge of the United States Court of Appeals for the Ninth Circuit.

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

I have not practiced law alone.

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

your affiliation with each.

Summer 2005
United States Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, District of Columbia 20510
Short-term Volunteer Law Clerk for Committee Majority Staff

2007 – 2009; 2010 – 2012; 2013 – 2014
Kirkland & Ellis, LLP
1301 Pennsylvania Avenue Northwest
Washington, District of Columbia 20004
Associate (2007 – 2009; 2010 – 2012)
Senior Associate (2013 – 2014)

Fall 2009
Borgeson & Burns P.C. (now closed)
Associate

2010
Steve Poizner for Governor (non-operational)
Deputy General Counsel and Acting General Counsel

2012
Mitt Romney for President 2012 (non-operational)
Deputy General Counsel and Director of Legal Election Day Operations

2014 – 2015; 2018 – 2019
Walmart Inc.
1 Customer Drive
Bentonville, Arkansas 72712
Assistant General Counsel, Corporate Affairs & Government Relations (2014 – 2015)
Senior Director, Global Anti-Corruption Compliance Team (2018 – 2019)

2015 – 2018
Arkansas Attorney General's Office
Bob R. Brooks Jr. Justice Building
101 West Capitol Avenue
Little Rock, Arkansas 72201
Solicitor General of Arkansas

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

I have not served as a mediator or arbitrator.

b. Describe:

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

In 2007 – 2009, 2010 – 2011, and 2013 – 2014, I was a civil litigator and appellate attorney at Kirkland & Ellis, LLP. I worked principally on constitutional, administrative, environmental, and complex commercial litigation in the federal district courts and federal courts of appeal. I coordinated significant discovery matters, prepared lay and expert witnesses for court, defended depositions, drafted numerous motions to dismiss and motions for summary judgment in trial courts, and drafted numerous appellate briefs. I also worked closely with in-house counsel to review written and oral presentations to governments and industry trade associations.

In 2009, when my wife began a clerkship in Alaska for the United States Court of Appeals for the Ninth Circuit, I joined a small firm (Borgeson & Burns, P.C.) in Fairbanks. I prepared a memorandum regarding several questions of employment law for a hotel franchise. I also drafted complaints, motions to dismiss, motions for summary judgment, and an appellate brief in areas ranging from trespass law to property disputes to complex commercial transactions. I also counseled a small corporation on its dissolution.

In 2010, I became the Deputy General Counsel to Steve Poizner's 2010 campaign for Governor of California. For several months, my supervisor was on maternity leave, and I served as the Acting General Counsel to the campaign. I ensured the campaign's compliance with relevant campaign finance, election, and employment laws. I reviewed all statements from the campaign prior to their use. I prepared and/or supervised the preparation of election law litigation templates (complaints, affidavits, motion for temporary restraining orders, responses) to use if needed on election day. I coordinated poll watchers and legal advisors.

After Poizner lost the primary in 2010, my wife and I returned to D.C. and I went back to work at Kirkland & Ellis, LLP, where my practice continued as described above until 2012. In 2012, I joined Mitt Romney's presidential campaign as Deputy General Counsel (and later as Director of Legal Election Day Operations as well). I supervised lawyers around the country—some employees, many volunteers—in legal preparations for primaries, caucuses, conventions, and ultimately general election day. I also analyzed the election laws of nearly every state across the country, specifically regarding operations of the primary, caucus, and/or general election. With this information, I advised our political team on how best to comply with and succeed under those laws.

After Romney lost the general election, I returned to Kirkland & Ellis, where my practice continued as described above until 2014. When I moved in-house to Walmart in 2014, my duties included (1) advising our federal and state corporate affairs teams on applicable campaign finance and lobbying laws, (2) reviewing, for legal propriety, potential responses from our corporate communications team to media inquiries across all subject matters, (3) understanding the state of our most sensitive and high-profile litigation in order to provide relevant updates to our corporate communications professionals, (4) reviewing, for legal propriety, numerous portions of Walmart's Annual Global Responsibility Report, and (5) drafting contracts between our Corporate Affairs department and outside vendors.

In 2015, I was appointed Solicitor General of Arkansas by Arkansas Attorney General Leslie Rutledge. During my three-year tenure as Solicitor General, I (1) litigated cases in the state trial court and the federal district court, (2) briefed and/or argued matters in the Arkansas Supreme Court, the Eighth Circuit, and the United States Supreme Court, and (3) reviewed and revised Attorney General Opinions. The matters I handled included a variety of topics, such as the death penalty, murder convictions, proper sentencing, equal protection, due process, sovereign immunity, private rights of action, free speech, free exercise, the establishment clause, separation of powers, and federalism.

In addition to the matters I directly handled, I also reviewed and revised nearly all briefs from our civil and criminal departments before they were filed in the Arkansas Supreme Court or any federal courts of appeal. On novel or sensitive legal matters, I helped those departments plan and supervise legal strategy for trial litigation in both the state and federal courts. I estimate that, as part of this process, I reviewed and revised approximately 500 briefs and trial court motions.

I also created and ran a formal moot court program for the office. Attorneys had to be mooted twice in front of me and other peers before arguing a case in the Arkansas Supreme Court or the federal courts of appeal. This required me to complete a deep dive into the briefs and trial record of almost every case argued by the office. I estimate that I presided over about 70 moot courts.

In 2018, I returned to Walmart as a Senior Director on the Anti-Corruption Compliance Team. For approximately six months, I assisted Walmart's Corporate Secretary and Chief Legal Officer in streamlining policies, processes, and organizational structures in the legal department and the ethics and compliance department. I also served as the global subject matter expert on anti-corruption training. I left Walmart in 2019 to take the District Court seat in the United States Eastern District of Arkansas.

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

At Kirkland & Ellis, LLP, my clients were generally Fortune 500 companies and national trade associations. For much of my Kirkland practice, I specialized in environmental law.

At Borgeson & Burns, I had a general practice. I had no "typical" clients. My clients included individuals with property disputes, small companies requiring corporate law services and employment law advice, and a utility company requiring litigation defense work.

As in-house counsel to two political campaigns (and as a volunteer lawyer for other political campaigns), I primarily specialized in campaign finance law, election law, and ballot access issues. I most often counseled the campaigns' political and policy departments.

At Walmart, during the time I counseled the Corporate Affairs and Government Relations team, I specialized in campaign finance laws, lobbying rules and media relations. I also helped the company train associates to comply with the Foreign Corrupt Practices Act and other applicable anti-corruption laws worldwide.

As Solicitor General of Arkansas, I represented the State of Arkansas, state agencies and state officials. I also provided counsel to the Arkansas Attorney General. I specialized in state and federal constitutional law.

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

At Kirkland & Ellis, LLP and Borgeson & Burns P.C., 80% of my practice was in litigation and appeals. I very rarely appeared in court and not as principal counsel.

During my time as in-house counsel for (and as a volunteer lawyer to) political campaigns, 20% of my practice was in litigation and appeals. I did not appear in court.

During my time at Walmart, 5% of my practice was in litigation and appeals. I did not appear in court.

During my time as Solicitor General of Arkansas, 95% of my practice was in litigation and appeals. I appeared in state and federal courts frequently, often multiple times a month.

i. Indicate the percentage of your practice in:

1.	federal courts:	55%
2.	state courts of record:	40%
3.	other courts:	0%
4.	administrative agencies:	5%

ii. Indicate the percentage of your practice in:

1.	civil proceedings:	65%
2.	criminal proceedings:	35%

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.

Before taking the bench, I was involved in one full trial, and in numerous cases that were resolved by a court as opposed to being settled by the parties.

I was a member of Kirkland & Ellis's large trial team representing British Petroleum in the Deepwater Horizon multi-district litigation. We tried Phase One of this matter fully, with the Judge issuing Findings of Fact and Conclusions of Law. I was an associate counsel. I prepared witnesses for trial, prepared examination questions for lead counsel, assisted in resolving exhibit disputes, and prepared daily summations of testimony and court rulings for the client.

As Solicitor General of Arkansas, I conducted four preliminary injunction or stay of execution hearings that involved multiple fact and expert witnesses. I was the chief counsel in those matters and supervised a team of several lawyers. I litigated a preliminary injunction matter in federal district court that was based primarily on a matter of law. Thus, the preliminary injunction decision amounted to a final judgment. I was chief counsel on this matter.

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.

Reply Brief, *Missouri v. California*, No. 148 (2018). Copy supplied.

Reply in Support, *Indiana v. Massachusetts*, No. 149 (2018). Copy supplied.

Brief in Opposition, *Bell v. Arkansas*, No. 17-6749 (2018). Copy supplied.

Amici Curiae Brief in Support, *Louisiana Department of Corrections v. Ware*, No. 17-930 (2018). Copy supplied.

Brief in Opposition, *Holly v. Arkansas*, No. 17-6514 (2018). Copy supplied.

Motion for Leave to File Bill of Complaint, *Indiana v. Massachusetts*, No. 149 (2017). Copy supplied.

Motion for Leave to File Bill of Complaint, *Missouri v. California*, No. 148 (2017). Copy supplied.

Amici Curiae Brief in Support, *Wilson v. Sellers*, No. 16-6855 (2017). Copy supplied.

Amici Curiae Brief in Support, *Arlene's Flowers, Inc. v. Washington*, No. 17-108 (2017). Copy supplied.

Opposition to Application for Stay of Execution, *Williams v. Kelley*, No. 16-8923 (2017). Copy supplied.

Opposition to Application for Stay of Execution, *Williams v. Arkansas*, No. 16-8922 (2017). Copy supplied.

Opposition to Application for Stay of Execution, *Williams v. Kelley*, No. 16-8921 (2017). Copy supplied.

Opposition to Application for Stay of Execution, *Williams v. Kelley*, No. 16-8815 (2017). Copy supplied.

Opposition to Application for Stay of Execution, *Williams v. Kelley*, No. 16-8816 (2017). Copy supplied.

Opposition to Application for Stay of Execution, *Jones v. Kelley*, No. 16A1028 (2017). Copy supplied.

Opposition to Application for Stay of Executions, *Lee v. Hutchinson*, No. 16-8788 (2017). Copy supplied.

Opposition to Application for Stay of Executions, *Lee v. Arkansas*, No. 16A1018 (2017). Copy supplied.

Opposition to Application for Stay of Executions, *McGehee v. Hutchinson*, No. 16-8787 (2017). Copy supplied.

Opposition to Application for Stay of Executions, *McGehee v. Hutchinson*, No. 16-8770 (2017). Copy supplied.

Opposition to Application for Stay of Executions, *Lee v. Hutchinson*, No. 16A1016 (2017). Copy supplied.

Application to Vacate Stay of Execution, *Arkansas v. Davis*, No. 16A987 (2017). Copy

supplied.

Brief in Opposition, *Pavan v. Smith*, No. 16-992 (2017). Copy supplied.

Amici Curiae Brief in Support, *Weaver v. Massachusetts*, No. 16-240 (2017). Copy supplied.

Brief in Opposition, *Arkansas v. Delaware*, No. 22O146 (2017). Copy supplied.

Reply Brief, *Arkansas State Police v. Wren*, No. 16-313 (2016). Copy supplied.

Brief in Opposition, *Johnson v. Kelley*, No. 16-6496 (2016). Copy supplied.

Answer to Counterclaim, *Arkansas v. Delaware*, No. 22O146 (2016). Copy supplied.

Petition for Writ of Certiorari, *Arkansas State Police v. Wren*, No. 16-313 (2016). Copy supplied.

Motion for Leave to File Bill of Complaint, *Arkansas v. Delaware*, No. 22O146 (2016). Copy supplied.

Reply in Support, *West Virginia v. United States Environmental Protection Agency*, No. 15A773 (2016). Copy supplied.

Application for Immediate Stay, *West Virginia v. United States Environmental Protection Agency*, No. 15A773 (2016). Copy supplied.

Reply to Brief in Opposition, *Beck v. Edwards*, No. 15-448 (2015). Copy supplied.

Petition for Writ of Certiorari, *Kelley v. Gordon*, No. 15-741 (2015). Copy supplied.

Petition for Writ of Certiorari, *Beck v. Edwards*, No. 15-448 (2015). Copy supplied.

Amici Brief in Support, *Obergefell v. Hodges*, 576 U.S. 644 (2015) (No. 14-556). Copy supplied.

Amici Brief in Support, *Hollingsworth v. Perry*, 570 U.S. 693 (2013) (No. 12-144). Copy supplied.

Brief in Opposition, *Planned Parenthood of Arkansas & Eastern Oklahoma v. Jegley*, No. 17-935 (2008). Copy supplied.

I also believe I appeared on the following filings, which I have not yet been able to locate.

Response in Opposition, *Johnson v. Kelley*, No. 16A336 (2017).

Brief of Respondent Arkansas in Opposition, *Jones v. Arkansas*, No. 16-8814 (2017).

Response to Application, *Lee v. Jegley*, No. 16A1017 (2017).

Response to Application, *Lee v. Arkansas*, No. 16A1013 (2017).

Response to Application, *Johnson v. Kelley*, No. 16A986 (2017).

17. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

a. the date of representation;

b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Haas v. Martin*, 60CV-18-752 (Pulaski Cnty. Cir. Ct.) (Gray, J.). Dates of representation: February 2018 – July 2018.

I represented the State Board of Elections and its members against a state constitutional challenge to Arkansas's voter identification system. The state trial court concluded the system contravened Arkansas's constitution and entered a preliminary injunction. The Arkansas Supreme Court stayed the trial court's injunction and ultimately reversed it. *Martin v. Haas*, 2018 Ark. 283. The Court concluded the voter identification system did not violate the Arkansas Constitution. On remand, Plaintiff dismissed his claims with prejudice.

I supervised this litigation at the state trial court and Arkansas Supreme Court. I heavily revised drafts of our motion to dismiss and preliminary injunction papers. I coordinated discovery. I prepared witnesses for testimony at a preliminary injunction hearing. I assisted lawyers from our office in preparing cross-examination questions. I supervised the preparation of witness affidavits. I directed associate counsel in conducting the preliminary injunction hearing. I argued some evidentiary issues and a question related to the presence or absence of party witnesses in the courtroom. I drafted significant portions of our stay motion to the Arkansas Supreme Court, and I heavily revised the other portions. I left the Solicitor General role before merits briefing and oral argument.

Co-Counsel:

Dylan L. Jacobs
Formerly with the Arkansas Attorney General's Office
King Street Legal, PLLC
800 Connecticut Avenue, Northwest, Suite 300
Washington, District of Columbia 20006
(202) 400-2039

A.J. Kelly (current address unknown)
Formerly with the Arkansas Secretary of State's Office

Principal Counsel for Plaintiff:

Jeff Priebe
Rainwater, Holt & Sexton, LLP
801 Technology Drive
Little Rock, Arkansas 72223
(501) 372-1414

2. *Kelley v. Johnson*, 2016 Ark. 268 (Brill, C.J. & Danielson, Baker, Goodson, Hart, Wood, Wynne, JJ.). Dates of representation: July 2015 – April 2017.

Nine death row prisoners brought multiple claims alleging that the manner in which Arkansas intended to carry out their death sentences violated the Arkansas Constitution and state law. *Johnson v. Kelley*, 60CV-15-2921 (Pulaski Cty.). They also requested stays of scheduled executions. I represented the Director of the Arkansas Department of Corrections.

The state trial court entered what it called a preliminary injunction prohibiting the scheduled executions. The Arkansas Supreme Court concluded that the state trial court did not have the authority to enter what amounted to a stay of execution. Nonetheless, the Arkansas Supreme Court entered its own stay of execution. *See Wendy Kelley v. the Hon. Wendell Griffen*, 2015 Ark. 375. The trial court largely denied Defendant's motion to dismiss. The trial court granted partial summary judgment for Plaintiffs (on a contracts clause claim regarding disclosure of execution drug information) and denied Defendant's motion for summary judgment on all claims. The Arkansas Supreme Court stayed the case. The Court ultimately reversed the trial court on all claims, and ordered the case dismissed. The United States Supreme Court denied certiorari. On remand, the state trial court dismissed the case with prejudice.

I supervised the litigation in the state trial court, including significantly revising our motion to dismiss, motion for summary judgment, and stay opposition papers. I drafted large portions of our stay and merits briefing in the Arkansas Supreme Court, and heavily edited those portions I did not draft. I presented oral argument at the Arkansas Supreme Court. I drafted most portions of the United States Supreme Court papers—oppositions to time extensions, stay applications, and certiorari. *Johnson v. Kelley*, 137 S. Ct. 1067, Nos. 16A336, 16A986, 16-6496. I reviewed and heavily revised the portions of the United States Supreme Court papers I did not draft. When the case returned to the state trial court, I litigated the case until it was dismissed with prejudice.

Co-Counsel:

Hon. Nicholas J. Bronni
Formerly with the Arkansas Attorney General's Office
Arkansas Supreme Court
Justice Building
625 Marshall Street
Little Rock, Arkansas 72201
(501) 682-6849

Jennifer Merritt
Formerly with the Arkansas Attorney General's Office
Klaasmeyer Construction Company, Inc.
35 Middle Road
Conway, Arkansas 72032
(501) 554-1725

Colin Jorgenson
Formerly with the Arkansas Attorney General's Office
Association of Arkansas Counties
1415 West Third Street
Little Rock, Arkansas 72201
(501) 749-6318

David Curran
Formerly with the Arkansas Attorney General's Office
University of Arkansas Office of General Counsel
University of Arkansas System
2404 North University Avenue
Little Rock, Arkansas 7220
(501) 686-2536

Principal Counsel for Plaintiffs:

Scott Braden
Federal Public Defender
1533 South Monroe Street
Tallahassee. Florida 32301
(501) 324-6114

John Williams
Formerly with the Federal Public Defender's Office
ACLU of Arkansas
904 West Second Street, Suite 1
Little Rock. Arkansas 72201

(501) 374-2842

Jeffrey Rosenzweig
300 South Spring Street
Little Rock, Arkansas 72201
(501) 372-5247

Lee Short
Short Law Firm
425 West Broadway Street
North Little Rock, Arkansas 72114
(501) 766-2207

3. *McGehee v. Hutchinson*, No. 4:17-CV-00179-KGB, 2017 WL 1399554, (E.D. Ark.) (Baker, J.). Dates of representation: March 2017 – June 2018.

Three weeks before their scheduled execution, nine death row prisoners challenged, *inter alia*, Arkansas's lethal injection protocol and Arkansas's execution schedule as a violation of the Eighth Amendment, due process, and/or other constitutional and statutory protections. I represented Arkansas Governor Asa Hutchinson and Wendy Kelley in her official capacity as the Director of the Arkansas Department of Corrections.

The prisoners asked for a preliminary injunction/stays of execution. There was significant expedited discovery, motion to dismiss briefing, preliminary injunction/stay briefing and a four-day hearing at which numerous witnesses (some lay, some expert) testified. I supervised and directed this litigation, with the assistance of several other lawyers from the Attorney General's Office. I significantly revised expedited discovery motions/responses drafted by others. I argued discovery issues in front of Judge Baker. I supervised the discovery process for our side of the litigation. I assisted in the preparation of three witnesses for direct testimony. I conducted cross-examination of two expert witnesses. I conducted the opening/closing arguments. I provided strategic guidance and direction to associate counsel in their questioning of other witnesses. I provided direction for, drafted large parts of, and heavily revised the remainder of our motion to dismiss and preliminary injunction/stay briefing.

The district court granted a preliminary injunction/stay with respect to Plaintiffs' claim that the three-drug midazolam protocol constituted cruel and unusual punishment and thus violated the Eighth Amendment. The Eighth Circuit vacated the injunction/stay. *See McGehee v. Hutchinson*, 854 F.3d 488 (8th Cir. 2017) (en banc). The United States Supreme Court denied Plaintiffs' stay application and denied certiorari. *See McGehee v. Hutchinson*, 137 S. Ct. 1275 (2017). I provided direction for, drafted parts of, and revised our Eighth Circuit and United States Supreme Court briefing. After four of the eight scheduled April 2017 executions went forward, I transferred this litigation to another lawyer in our office, though I continued to review briefing and supervise strategy decisions until I left the Solicitor General role in July of 2018.

Co-Counsel:

Hon. Nicholas J. Bronni
Formerly with the Arkansas Attorney General's Office
Arkansas Supreme Court
Justice Building
625 Marshall Street
Little Rock, Arkansas 72201
(501) 682-6849

Christine Cryer
Arkansas Attorney General's Office
Bob R. Brooks Jr. Justice Building
101 West Capitol Avenue
Little Rock, Arkansas 72201
(501) 350-0683

Kat Hodge
Formerly with the Arkansas Attorney General's Office
Friday, Eldredge & Clark, LLP
400 West Capitol Avenue, Suite 2000
Little Rock, Arkansas 72201
(501) 370-3309

Jennifer Merritt
Formerly with the Arkansas Attorney General's Office
Klaasmeyer Construction Company, Inc.
35 Middle Road
Conway, Arkansas 72032
(501) 554-1725

Colin Jorgenson
Formerly with the Arkansas Attorney General's Office
Association of Arkansas Counties
1415 West Third Street
Little Rock, Arkansas 72201
(501) 749-6318

Principal Counsel for Plaintiffs:

Scott Braden
Federal Public Defender
1533 South Monroe Street
Tallahassee, Florida 32301
(501) 324-6114

John Williams
Formerly with the Federal Public Defender's Office

ACLU of Arkansas
904 West Second Street. Suite 1
Little Rock, Arkansas 72201
(501) 374-2842

Jeffrey Rosenzweig
300 South Spring Street
Little Rock, Arkansas 72201
(501) 372-5247

Lee Short
Short Law Firm
425 West Broadway Street
North Little Rock, Arkansas 72114
(501) 766-2207

4. *Lewis v. State*, 2017 Ark. 211 (Kemp, C.J. & Baker, Goodson, Hart, Wood, Wynne, Womack, JJ.). Dates of representation: January 2017 – August 2017.

Aaron Lewis kidnapped and murdered a real estate agent after posing as a potential home buyer. Lewis appealed his conviction, arguing that numerous different pieces of evidence should have been suppressed. The State filed a cross-appeal, disputing the lower court's decision to exclude some evidence from Lewis's home and car. I represented the State of Arkansas. The Arkansas Supreme Court affirmed Lewis's conviction and dismissed the State's cross-appeal.

I reviewed and revised the briefing at the Arkansas Supreme Court. I presented oral argument at the Arkansas Supreme Court.

Co-counsel:

Adam Jackson
Formerly with the Arkansas Attorney General's Office
Sixth Judicial District Prosecuting Attorney's Office
224 South Spring Street
Little Rock, Arkansas 72201
(870) 838-5727

Kathryn Henry (current address unknown)
Formerly with the Arkansas Attorney General's Office

Opposing counsel:

Bill James, Jr.
James Law Firm, PLLC
1001 La Harpe Boulevard
Little Rock. Arkansas 72201

(501) 375-0900

5. *McKesson Medical-Surgical Inc. v. Arkansas*, 60CV-17-1960 (Pulaski Cnty. Cir. Ct.) (Gray, J.). Dates of representation: April 2017 – April 2018.

A pharmaceutical distributor, McKesson, brought multiple claims against the State of Arkansas, cumulatively alleging that state officials improperly obtained drugs from McKesson that the State planned to use in scheduled lethal injection executions. McKesson asked the state trial court to enter a temporary restraining order/preliminary injunction against use of these drugs in the scheduled executions. I represented the State of Arkansas, the Arkansas Department of Corrections, the Governor and the Director of the Arkansas Department of Corrections.

The first trial judge assigned to the case (Judge Wendell Griffen) entered an *ex parte* temporary restraining order. *McKesson Medical-Surgical Inc. v. Arkansas*, 60CV-17-1921 (Pulaski County, Arkansas). Shortly thereafter, McKesson voluntarily dismissed that case and the Arkansas Supreme Court removed Judge Griffen from all cases involving executions or the death penalty. McKesson filed a new complaint, again seeking injunctive relief. The new trial judge (Judge Alice Gray) granted the requested preliminary injunctive relief. After an emergency request from the State and briefing from both parties, the Arkansas Supreme Court vacated the injunction. *Arkansas v. McKesson Medical-Surgical Inc.*, CV-17-317 (Ark. 2017). Eventually, because the drugs were used in executions and the remainder of the drugs expired, the Arkansas Supreme Court dismissed the case as moot at the joint request of both parties. 2018 Ark. 154.

I supervised this litigation. At the state trial court, I drafted significant portions of our motion for change of venue, motion to dismiss, and opposition to a preliminary injunction. I directed and heavily revised the portions I did not draft. I prepared our clients and witnesses for testimony at the preliminary injunction hearing. I argued some legal/evidentiary issues at the hearing. I conducted closing arguments. I drafted and revised cross-examination questions. I supervised associate counsel in questioning witnesses. At the Arkansas Supreme Court, I drafted significant portions of our multiple emergency writ petitions and our multiple stay briefing. I directed and heavily revised the portions I did not draft.

Co-Counsel:

Hon. Nicholas J. Bronni
Formerly with the Arkansas Attorney General's Office
Arkansas Supreme Court
Justice Building
625 Marshall Street
Little Rock, Arkansas 72201
(501) 682-6849

Colin Jorgenson
Formerly with the Arkansas Attorney General's Office
Association of Arkansas Counties
1415 West Third Street

Little Rock, Arkansas 72201
(501) 749-6318

Principal Counsel for McKesson:

Steve Quattlebaum
John Tull
Quattlebaum, Grooms, & Tull
111 Center Street, Suite 1900
Little Rock, Arkansas 72201
(501) 379-1700

6. *Pavan v. Smith*, 582 U.S. 563 (2017). Dates of representation: July 2015 – March 2018.

Three same-sex female married couples brought a § 1983 suit against the Director of the Arkansas Department of Health. The couples were seeking declaratory and injunctive relief that would require Arkansas to (1) apply the presumption of paternity to a female spouse of a birth mother, and (2) thus automatically place the female spouse of a birth mother on the original birth certificate of the child without need for adoption or a court order. I represented the Director of the Arkansas Department of Health, who is responsible for issuing birth certificates.

The state trial court granted summary judgment in favor of the couples and ordered the three spouses to be placed on the birth certificates. *Pavan v. Smith*, 60CV-15-3153 (Pulaski County, Arkansas). The Arkansas Supreme Court stayed the trial court's order and reversed on appeal. *Smith v. Pavan*, 2016 Ark. 437. The United States Supreme Court granted the couples' petition for a writ of certiorari and summarily reversed the Arkansas Supreme Court. On remand, the Arkansas Supreme Court acknowledged the binding nature of the United States Supreme Court's ruling. But the Court noted that even under this ruling the state trial court went too far by unilaterally rewriting major portions of the state birth certificate statute. So, to that extent, the Arkansas Supreme Court vacated the state trial court's summary judgment ruling and remanded the case for further proceedings. Ultimately, the state trial court issued an order requiring the State to place female spouses of birth mothers on birth certificates on the same terms as the State would place male spouses of birth mothers on birth certificates.

I reviewed and revised the summary judgment papers in the state trial court. I drafted portions of the stay briefing and the merits briefing in the Arkansas Supreme Court. I heavily revised the portions I did not draft. I conducted oral argument in the Arkansas Supreme Court. I reviewed and revised our brief in opposition to certiorari in the United States Supreme Court. On remand to the Arkansas Supreme Court, I drafted our papers concerning actions for that court to take on remand. On remand to the state trial court, I drafted papers (1) concerning how to proceed given the higher court rulings, and (2) with respect to mediation ordered by the state trial court.

Co-Counsel:

Colin Jorgenson
Formerly with the Arkansas Attorney General's Office

Association of Arkansas Counties
Little Rock, Arkansas 72201
(501) 749-6318

Jennifer Merritt
Formerly with the Arkansas Attorney General's Office
Klaasmeyer Construction Company, Inc.
35 Middle Road
Conway, Arkansas 72032
(501) 554-1725

Dylan L. Jacobs
Formerly with the Arkansas Attorney General's Office
King Street Legal, PLLC
800 Connecticut Avenue, Northwest, Suite 300
Washington, District of Columbia 20006
(202) 400-2039

Hon. Nicholas J. Bronni
Formerly with the Arkansas Attorney General's Office
Arkansas Supreme Court
Justice Building
625 Marshall Street
Little Rock, Arkansas 72201
(501) 682-6849

Monty Baugh
900 South Shackleford Road, Suite 300
Little Rock, Arkansas 72205
(501) 690-5086

Principal Counsel for Plaintiffs:

Cheryl Maples (deceased)

Douglas Hallward-Driemeier
Ropes & Gray LLP
2099 Pennsylvania Avenue, Northwest
Washington, District of Columbia 20006
(202) 508-4600

7. *Planned Parenthood of Arkansas & Eastern Oklahoma v. Gillespie*, 867 F.3d 1034 (8th Cir. 2017) (Colloton, Shepherd, & Melloy, JJ.). Dates of representation: September 2015 – December 2017.

This case concerned whether 42 U.S.C. § 1396a(a)(23) affords patients and/or providers a private right of action to challenge a State's decision to terminate a provider from its Medicaid program for (disputed) misconduct. There were additional constitutional claims brought by Plaintiffs, but they were not litigated in the first round of preliminary injunction litigation. I represented the Director of the Arkansas Department of Human Services in both the federal district court and the federal court of appeal.

The district court concluded that the patient Plaintiffs (not the provider) had a private right of action under the statute in question. The district court entered a preliminary injunction requiring the State to continue treating Planned Parenthood as part of the Medicaid program. *Planned Parenthood Arkansas & Eastern Oklahoma v. Selig*, 2015 WL 13710046. The Eighth Circuit vacated that decision, concluding that 42 USC § 1396a(a)(23) gives neither the provider nor the patients a private right of action. On remand, Plaintiffs requested a preliminary injunction based on their constitutional claims. The district court denied that request.

I supervised this litigation for about two years. I drafted most of our motion to dismiss and temporary restraining order/preliminary injunction papers. The parts drafted by another attorney were heavily and substantively revised by me. I drafted several motions pertaining to expedited discovery. I drafted discovery-related questions and documents addressed to Plaintiffs, and I supervised my client's response to discovery. I supervised potential witnesses in the drafting of affidavits. I argued discovery motions. I argued the motion to dismiss and preliminary injunction issues. I drafted papers related to (and argued) the question of whether a class action should be certified. I drafted the appellate briefs in this case and conducted oral argument at the Eighth Circuit. After the Eighth Circuit vacated the injunction and remanded the case for further proceedings, I transferred the case to my deputy.

Co-Counsel:

David Sterling
Formerly with the Arkansas Department of Human Services
Cox, Sterling, Vandiver & Botteicher, PLLC
8201 Cantrell Road, Suite 330
Little Rock, Arkansas 72227
(501) 954-8073

Charles Lyford
Mindy Pipkin
Formerly with the Arkansas Attorney General's Office
University of Arkansas System's General Counsel's Office
University of Arkansas at Little Rock
Charles W. Donaldson Student Services Center
2801 South University Avenue, Suite 413
Little Rock, Arkansas 72204
(501) 916-5699

Principal Counsel for Opposing Parties:

Jennifer Sandman
Planned Parenthood Federation of America
123 William Street, Floor 9
New York, New York 10038
(212) 261-4584

Bettina Brownstein
904 West Second Street, 2nd Floor
Little Rock, Arkansas 72201
(501) 920-1764

8. *Protect Fayetteville vs. City of Fayetteville*, 2017 Ark. 49 (Kemp, C.J. & Baker, Goodson, Hart, Wood, Wynne, Womack. JJ.). Dates of representation: November 2015 – June 2018.

Private plaintiffs and (as an intervenor) the State of Arkansas claimed that a City's newly adopted anti-discrimination ordinance was preempted by state law. The City of Fayetteville argued that the ordinance was consistent with, and thus not preempted by, state law. The City also claimed that the applicable state law violated the Equal Protection Clause of the United States Constitution. During the case, the existence and scope of legislative and executive privilege also became a significant legal question. I represented the State of Arkansas, a plaintiff-intervenor.

The City prevailed in the trial court. *Protect Fayetteville v. City of Fayetteville*, No. 72CV-15-1510. The court granted summary judgment for the City, concluding that the ordinance did not conflict with the state law. The state trial court did not reach the City's claim that the state law was unconstitutional. On appeal, the Arkansas Supreme Court concluded (1) that the ordinance was preempted by the state law at issue, and (2) the City had failed to preserve the constitutional issue. The United States Supreme Court reversed and remanded the case.

When the case came back to the state trial court, the trial court did not enter final judgment for Plaintiffs. Instead, the court allowed the City to amend its answer and allowed a new entity to intervene in the case and file a counter-claim alleging the state law at issue was unconstitutional. The court also allowed for discovery that the State argued would violate legislative and executive privilege. The State asked for a preliminary injunction to enjoin the ordinance during the remaining litigation. The trial court denied the motion, and the State appealed. After staying the lower court proceedings, the Arkansas Supreme Court dismissed the entire case. *Protect Fayetteville v. City of Fayetteville*, 2019 Ark. 28, 2019 Ark. 30.

I supervised and participated in the litigation of this matter in state trial court. A lawyer from our Civil Department drafted the intervention papers and part of the motion to dismiss briefing (which was converted by the Judge to a summary judgment motion). I directed and then reviewed and substantially revised that briefing. I also was the primary drafter of portions of the brief in support and most of the reply brief on our motion to dismiss/motion for summary

judgment. I drafted the State's opening and reply briefs to the Arkansas Supreme Court. I also presented oral argument to the Arkansas Supreme Court.

On remand, I reviewed and revised numerous papers. I was the primary drafter of the State's preliminary injunction motion. I provided strategic guidance, direction, and revisions to motions to quash discovery requests from opposing counsel. I supervised my deputy's conduct of a preliminary injunction and discovery hearing. I directed and heavily revised the State's request for the Arkansas Supreme Court to stay the case and accept an immediate appeal. On appeal to the Arkansas Supreme Court, I drafted the opening and reply briefs on the preliminary injunction issue. I also provided strategic guidance, direction, and revisions to the briefing on the discovery issues. I left the Solicitor General role prior to oral argument of these issues.

Co-Counsel:

Hon. Nicholas J. Bronni
Formerly with the Arkansas Attorney General's Office
Arkansas Supreme Court
Justice Building
625 Marshall Street
Little Rock, Arkansas 72201
(501) 682-6849

Colin Jorgenson
Formerly with the Arkansas Attorney General's Office
Association of Arkansas Counties
1415 West Third Street
Little Rock, Arkansas 72201
(501) 749-6318

Travis Story
Story Law Firm, PLLC
2603 Main Drive, Suite 6
Fayetteville, Arkansas 72704
(479) 443-3700

Principal Counsel for Opposing Parties:

Kit Williams
Fayetteville City Attorney
City Administration Building
113 West Mountain Street, Suite 302
Fayetteville, Arkansas 72701
(479) 575-8313

Holly Dickson
ACLU of Arkansas

904 West Second Street, Suite 1
Little Rock, Arkansas 72201
(501) 374-2842

Garrard Beeney
Sullivan & Cromwell, LLP
125 Broad Street
New York, New York 10004
(212) 558-3737

9. *Rodgers v. Bryant*, 301 F. Supp. 3d 928 (E.D. Ark. Sept. 2017) (Wilson, J.). Dates of representation: August 2017 – June 2018.

Two plaintiffs challenged an Arkansas law prohibiting aggressive or dangerous panhandling. They claimed the law violated the First and Fourteenth Amendments of the United States Constitution. Specifically, they claimed the law prohibited/chilled their speech. I represented Colonel Bryant, Director of the Arkansas State Police. The district court preliminarily enjoined the law. On appeal, the Eighth Circuit affirmed the district court's grant of a statewide preliminary injunction.

I provided direction for, and heavily revised, the motion to dismiss, the opposition to a motion for preliminary injunction, and associated court papers. I helped prepare our witnesses for testimony at the preliminary injunction hearing. I cross-examined the two plaintiffs at the preliminary injunction hearing. I argued several legal issues at the same hearing. I provided direction for and reviewed portions of our Eighth Circuit briefing before I left the Solicitor General role.

Co-Counsel:

Dylan L. Jacobs
Formerly with the Arkansas Attorney General's Office
King Street Legal, PLLC
800 Connecticut Avenue, Northwest, Suite 300
Washington, District of Columbia 20006
(202) 400-2039

Monty Baugh
Formerly with the Arkansas Attorney General's Office
900 South Shackleford Road, Suite 300
Little Rock, Arkansas 72205
(501) 690-5086

Delena Hurst
Formerly with the Arkansas Attorney General's Office
Littler Mendelson P.C.
217 East Dickson Street, Suite 204

Fayetteville, Arkansas 72701
(479) 582-6100

Principal Counsel for Opposing Parties:

Bettina Brownstein
904 West Second Street, 2nd Floor
Little Rock, Arkansas 72201
(501) 920-1764

Katherine Stephens (current address unknown)

10. *Ward v. State*, 2018 Ark. 59 (Kemp, C.J. & Baker, Goodson, Hart, Wood, Wynne, & Womack, JJ.). Dates of representation: April 2017 – June 2018.

Mr. Ward, a death row inmate, requested that the Arkansas Supreme Court recall the mandate in his case and reexamine his claim that his death sentence was unconstitutional under *Ake v. Oklahoma* and *McWilliams v. Dunn*. The underlying *Ake* violation, according to Mr. Ward, was lack of an independent defense expert on the issue of competency. I represented the State of Arkansas.

The Arkansas Supreme Court stayed Mr. Ward's executions, accepted full briefing and oral argument on the motion, and then denied recall. I directed and revised the briefing on the motion to recall the mandate. I presented oral argument. I drafted several post-decision procedural motions and responses at the Arkansas Supreme Court. After I left the role of Solicitor General, Mr. Ward unsuccessfully sought certiorari in the United States Supreme Court.

Co-Counsel:

Brad Newman (current address unknown)
Formerly with the Arkansas Attorney General's Office

Principal Counsel for Mr. Ward:

Scott Braden
Federal Public Defender
1533 South Monroe Street
Tallahassee, Florida 32301
(501) 324-6114

April Golden
Formerly with the Federal Public Defender's Office
United States District Court for the Eastern District of Arkansas
Richard Sheppard Arnold United States Courthouse
500 West Capitol Avenue
Little Rock, Arkansas 72201

(501) 604-5121

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 Solicitor General of Arkansas, I reviewed and revised approximately 500 briefs of attorneys from the Civil Department and the Criminal Department, conducted approximately 70 moot courts to prepare lawyers in the office for oral arguments, and reviewed all Attorney General Opinions prior to their release.

In my role as in-house counsel for political campaigns, I spent the bulk of my time supervising the training and preparation of poll watchers, preparing for potential election period and recount litigation, and ensuring compliance with elections law in various states throughout the country. In my role as in-house counsel for Walmart, aside from providing legal counsel to our lobbyists, I primarily reviewed statements to press for accuracy and legal propriety.

At Kirkland & Ellis, LLP, I prepared expert and lay witnesses for deposition and trial, I prepared examination questions for use at trial, I defended depositions, I assisted in the taking of depositions, I supervised the preparation of expert reports, I significantly participated in discovery and document review, I wrote memoranda on different aspects of response and cleanup activities, and I reviewed and revised draft presentations/statements to governments, the industry, and media.

I have not performed lobbying on behalf of any client in my career. At Walmart, one of my roles as in-house counsel was to counsel our lobbying team on applicable laws and regulations.

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.

Constitutional History, University of Arkansas at Little Rock William H. Bowen School of Law (Spring 2026). This course focused in detail on the debates at the Constitutional Convention of 1787. Syllabus supplied.

Creation of the Constitution, University of Arkansas School of Law (Spring 2018). This course focused in detail on the debates at the Constitutional Convention of 1787. Syllabus supplied.

Appellate Advocacy, University of Arkansas School of Law (Fall 2017). This course focused on refining brief-writing skills and oral advocacy. Syllabus supplied.

Federal Courts, University of Arkansas School of Law (Spring 2017). This course focused on

difficult issues of federal jurisdiction. Syllabus supplied.

Environmental Law and Regulation, George Mason University Antonin Scalia Law School (Spring 2009). This course focused on major environmental laws, regulations, and Supreme Court cases. I do not have a syllabus.

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.

I have no plans, commitments, or agreements to pursue outside employment during my service with the Eighth Circuit. However, I expect I would teach a law school course if and when time permits.

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

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

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

See attached Net Worth Statement.

24. Potential Conflicts of Interest:

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

If confirmed, I will recuse myself in any litigation where I have ever played a role. I will evaluate any other real or potential conflict, or relationship that could give rise to the

appearance of conflict, on a case-by-case basis and determine appropriate action (up to and including recusal) with the advice of parties, their counsel, and the applicable laws, rules, canons, codes, and practices.

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 review and address any real or potential conflict of interest pursuant to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and all other laws, rules, canons, codes, 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.

From 2016 to 2019, I served as a member and parliamentarian of the Arkansas Advisory Committee to the United State Commission on Civil Rights. I estimate that I spent two hours per month on this.

I have served as a volunteer moot court judge at several appellate and trial advocacy competitions. I estimate that I spent five hours per year on this.

From 2014 to 2019, as a member, board member, and Vice President of Congregation Etz Chaim of Northwest Arkansas, I participated in and helped plan food drives, food packaging days, and charitable activities of this nature. I estimate that I spent five hours per year on this. From 2022 to 2023, I volunteered to teach Hebrew school at the Congregation B'nai Israel. I estimate that I spent three hours a week on this.

From 2016 to 2017, I served as the Co-Chairperson of the Arkansas Bar Commission on Diversity. I estimate that I spent one hour per month on this.

I participated in a diversionary Youth Court as a volunteer advisor in Fall 2009. I estimate that I spent 45 minutes per month on this.

I served as a member of the Board of Directors/Governors of Ivy Council, an association of the student governments of the Ivy League that is dedicated to creating positive change for both students and communities, from 2008 to 2012. I estimate that I spent six hours per year on this.

26. **Selection Process**:

a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please

include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In the Spring of 2026, I communicated to the White House Counsel's Office that, if a vacancy opened on the Eighth Circuit, I would be interested in being considered for the vacancy.

On or around June 19, 2026, the White House Counsel's Office asked me to interview for an Arkansas seat on the Eighth Circuit in the event of a vacancy. Shortly thereafter, I expressed my interest in the potential position to my home-state Senators. On July 1, 2026, I was interviewed in the Eisenhower Executive Office Building by attorneys from the White House Counsel's Office and from the Department of Justice's Office of Legal Policy.

On or around July 20, 2026, Judge Shepherd formally announced his intention to take senior status upon the confirmation of a successor. On August 12, 2026, the President called me to tell me that he was going to announce his intention to nominate me to the Eighth Circuit. Throughout the process, I have communicated with individuals in the White House Counsel's Office and the Office of Legal Policy.

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.

AFFIDAVIT

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

8/27/26 Lee P

(DATE) (NAME)

Katelyn Hays 8/27/2026

(NOTARY)

KATELYN HAYS NOTARY PUBLIC ARKANSAS PULASKI COUNTY 12704663 EXPIRES 6-23-2028