

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

Toby Jon Crouse

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

United States District Judge for the District of Kansas

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.

Offices:       Office of the Kansas Attorney General  
                  120 South West 10th Avenue, 2nd Floor  
                  Topeka, Kansas 66612

Crouse LLC  
11184 Antioch Road, Number 253  
Overland Park, Kansas 66210

Residence:    Overland Park, Kansas

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

1975; McPherson, Kansas

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1997 – 2000, University of Kansas School of Law; J.D., 2000

1993 – 1997, Kansas State University; B.S., 1997

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.

2018 – present  
Office of the Kansas Attorney General  
120 South West 10th Avenue, 2nd Floor  
Topeka, Kansas 66612  
Solicitor General

2018 – present  
Crouse LLC  
11184 Antioch Road, Number 253  
Overland Park, Kansas 66210  
Owner

2008 – 2018  
Foulston Siefkin  
9225 Indian Creek Parkway, Suite 600  
Overland Park, Kansas 66210  
Partner (2011 – 2018)  
Special Counsel (2008 – 2010)

2003 – 2007  
Shook, Hardy & Bacon, LLP  
2555 Grand Boulevard  
Kansas City, Missouri 64108  
Associate

2002 – 2003  
Honorable Mary Beck Briscoe  
United States Court of Appeals for the Tenth Circuit  
845 Massachusetts Street  
Lawrence, Kansas 66044  
Law Clerk

2000 – 2002  
Honorable Monti L. Belot  
United States District Court for the District of Kansas  
401 North Market Street  
Wichita, Kansas 67202  
Law Clerk

1999 – 2000  
Shook, Hardy & Bacon, LLP  
2555 Grand Boulevard  
Kansas City, Missouri 64108  
Law Clerk (1999 – 2000)

Summer Associate (1999)

Summer 1999

Fulbright & Jaworksi LLP  
[now Norton Rose Fulbright]  
1301 McKinney Street  
Houston, Texas 77010  
Summer Associate

Summer 1998

Bremyer & Wise, P.A.  
[now Wise & Reber, L.C.]  
120 West Kansas Avenue  
McPherson, Kansas 67460  
Summer Associate

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

I have not served in the military. I registered for 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.

Benchmark Litigation

Under 40 Hot List (2017)  
Future Star (2013 – 2016)

The Best Lawyers in America, Litigation—Municipal (2012 – 2017)  
Lawyer of the Year (2014, 2017)

Missouri & Kansas Super Lawyers

Super Lawyers List (2013 – 2015)  
Rising Star List (2009, 2011 – 2012)

United States District Court for the District of Kansas “Cause for Justice” Award, 2006

University of Kansas School of Law

Order of the Coif (2000)  
Articles Editor, Kansas Law Review (1999 – 2000)  
C.A.L.I. Award, Products Liability (1999)

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.

Earl E. O'Connor American Inn of Court (approximately 2003 – 2009)

Federalist Society for Law and Public Policy (2019 – present)

Johnson County Bar Association (approximately 2003 – 2018)

Kansas Bar Association (2000 – 2018)

Board of Governors (2012 – 2018)

Kansas Bar Journal Board of Editors (2008 – 2012)

CLE Chair (2015 – 2018); Bench-Bar Chair (2009 – 2010)

Kansas City Metropolitan Bar Association (approximately 2003 – 2018)

Missouri Bar Association (2000 – present)

SOABS Association of Kansas Justices, Judges, and Lawyers (2018 – present)

United States District Court for the District of Kansas (2004 – 2006, 2019 – 2011)

“Signature Events” Committee for 150th Anniversary Celebration (2010 – 2011)

Bench-Bar Committee (2009 – 2010)

Bench-Bar Sub-Committee on Jury Diversification (2004 – 2006)

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.

Kansas, 2000

Missouri, 2001

There has been no lapse 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, 2010

United States Court of Appeals for the D.C. Circuit, 2015

United States Court of Appeals for the Seventh Circuit, 2003

United States Court of Appeals for the Eighth Circuit, 2005

United States Court of Appeals for the Tenth Circuit, 2001

United States District Court for the District of Kansas, 2000

United States District Court for the Western District of Missouri, 2003

I chose to allow my membership in the Western District of Missouri to become inactive in 2019 because I no longer practice in that court. Otherwise, there have been no lapses in membership.

**11. Memberships:**

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

Kansas City Crusaders, Board of Directors (2014 – 2016)

Overland Park Chamber of Commerce, Public Police and Advocacy Committee (approximately 2013 – 2018)

Shawnee Mission Ducks Unlimited (approximately 2003 – 2006)

- 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.

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.

With Steve Phillips, *Prosecutorial Liability*, The Kansas Prosecutor, Fall/Winter 2011. Copy supplied.

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

United States District Court for the District of Kansas, Rule One Project, Group 2 – Non-ESI Discovery, *Creation of a revised protective order form and local rule for submission of supplemental authority*, June 2012. Copy supplied.

United States District Court for the District of Kansas Bench-Bar Sub-Committee on Jury Diversification, *Task Force On Jury Diversification: Is there a problem, what is it, and how do we fix it?*, September 16, 2005. Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None.

- 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.

January 13, 2020: Speaker, Moot Court Clinic, Washburn University School of Law, Topeka, Kansas. I spoke briefly to the class concerning oral argument and appearing before the United States Supreme Court. I have no notes, transcript, or recording. The address of Washburn University School of Law is 1700 South West College Avenue, Topeka, Kansas 66621.

December 10, 2019: Speaker, "OT2019: Cases of interest," CLE Presentation, United States District Court for the District of Kansas, Kansas City, Kansas. Copy of written materials supplied.

November 21, 2019: Speaker, University of Kansas School of Law, Lawrence, Kansas. I spoke to Professor Lumen Mulligan's class about oral advocacy, the role of the Kansas Solicitor General, and the experience of arguing in the United States Supreme Court. I have no notes, transcript, or recording. The address of the

University of Kansas School of Law is 1535 West 15th Street, Lawrence, Kansas 66045.

September 19, 2019: Panelist, "Constitution Day: Kansas in the U.S. Supreme Court," Robert J. Dole Institute of Politics, the University of Kansas, Lawrence, Kansas. Recording available at [https://www.youtube.com/watch?v=sktVlio0\\_5A](https://www.youtube.com/watch?v=sktVlio0_5A).

June 21, 2019: Speaker, "OT2018: Cases of interest," CLE Presentation, Kansas Bar Association Annual Meeting, Topeka, Kansas. Copy of written materials supplied.

February 19, 2019: Speaker, "OT2018: Cases of interest," CLE Presentation, United States District Court for the District of Kansas, Topeka, Kansas. Copy of written materials supplied.

February 15, 2019: Panelist, "Police Use of Force," CLE Presentation, Federal Bar Association, Kansas Chapter. The panel discussed handling dispositive motions involving Section 1983 claims. Kansas City, Kansas. I have no notes, transcript, or recording. The address for the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

November 13, 2018: Speaker, University of Kansas School of Law, Lawrence, Kansas. I spoke to Professor Lumen Mulligan's class about oral advocacy and the role of the Kansas Solicitor General. I have no notes, transcript, or recording. The address of the University of Kansas School of Law is 1535 West 15th Street, Lawrence, Kansas 66045.

October 24, 2018: Speaker, "OT2018: Cases of interest," CLE Presentation, Judge Hugh Means Inn of Court, Lawrence, Kansas. Copy of written materials supplied.

August 24, 2018: Panelist, "Section 1983 and Qualified immunity," CLE Presentation, 2018 Tenth Circuit Bench & Bar Conference, Colorado Springs, Colorado. Copy of written materials supplied.

July 16, 2018: Speaker, "OT2017: Cases of interest," CLE Presentation, United States District Court for the District of Kansas, Topeka, Kansas. Copy of written materials supplied.

June 25, 2018: Speaker, "OT2017: Cases of interest," CLE Presentation, Federalist Society Kansas Lawyers Chapter, Topeka, Kansas. Copy of written materials supplied.

June 15, 2018: Speaker, "OT2017: Cases of interest," CLE Presentation, Kansas Bar Association Annual Meeting, Overland Park, Kansas. Copy of written materials supplied.

December 2017: Speaker, "OT2017: Cases of interest," CLE Presentation, United States District Court for the District of Kansas, Kansas City, Kansas. Copy of written materials supplied.

November 2, 2017: Speaker, Naturalization Ceremony Address, United States District Court for the District of Kansas, Lawrence, Kansas. Copy of the outline that I used is supplied.

October 26, 2017: Speaker, "OT2017: Cases of interest," CLE Presentation, Judge Hugh Means Inn of Court, Lawrence, Kansas. Copy of written materials supplied.

July 11, 2017: Speaker, "OT2016: Cases of interest," CLE Presentation, United States District Court for the District of Kansas, Kansas City, Kansas. Copy of written materials supplied.

June 21, 2017: Speaker, "OT2016: Cases of interest," CLE Presentation, Federalist Society Kansas Lawyers Chapter, Topeka, Kansas. Copy of written materials supplied.

June 8, 2017: Speaker, "OT2016: Cases of interest," CLE Presentation, Kansas Bar Association Annual Meeting, Manhattan, Kansas. Copy of written materials supplied.

May 19, 2017: Speaker, "OT2016: Cases of interest," CLE Presentation, Recent Developments in the Law, University of Kansas School of Law, Lawrence, Kansas. Copy of written materials supplied.

March 13, 2017: Speaker, The Practical Application of Qualified Immunity during the Dispositive Motion Process, then-Professor Stephen R. McAllister's Constitutional Litigation class, University of Kansas School of Law, Lawrence, Kansas. Copy of written materials supplied.

December 9, 2016: Speaker, "OT2016: Cases of interest," CLE Presentation, United States District Court for the District of Kansas, Kansas City, Kansas. Copy of written materials supplied.

December 9, 2016: Speaker, "OT2016: Cases of interest," CLE Presentation, Kansas Association of Defense Counsel, Kansas City, Missouri. Copy of written materials supplied.

October 24, 2016: Speaker, "OT2015: Summary of cases," CLE Presentation, Koch Industries Lunch and Learn, Wichita, Kansas. Copy of written materials supplied.

September 9, 2016: Speaker, "OT2015: Preview of cases," CLE Presentation, Southwest Kansas Bar Association Annual Meeting, Dodge City, Kansas. Copy



of written materials supplied.

July 6, 2016: Speaker, "OT2015: Preview of cases," CLE Presentation, United States District Court for the District of Kansas, Kansas City, Kansas. Copy of written materials supplied.

June 17, 2016: Speaker, "OT2015: Preview of cases," CLE Presentation, Kansas Bar Association Annual Meeting, Wichita, Kansas. Copy of written materials supplied.

May 19, 2016: Speaker, "OT2015: Preview of cases," CLE Presentation, Recent Developments in the Law, University of Kansas School of Law, Lawrence, Kansas. Copy of written materials supplied.

April 22, 2016: Speaker, "OT2015: Preview of cases," CLE Presentation, Return to Green Conference, University of Kansas School of Law, Lawrence, Kansas. Copy of written materials supplied.

December 14, 2015: "OT2015: Preview of cases," CLE Presentation, United States District Court for the District of Kansas, Kansas City, Kansas. Copy of written materials supplied.

November 17, 2015: Speaker, The Practical Application of Qualified Immunity during the Dispositive Motion Process, then-Professor Stephen R. McAllister's Constitutional Litigation class, University of Kansas School of Law, Lawrence, Kansas. Copy of written materials supplied.

June 18, 2015: Speaker, "OT2014: Preview of cases," CLE Presentation, Kansas Bar Association Annual Meeting, Overland Park, Kansas. Copy of written materials supplied.

June 18, 2015: Speaker, "OT2014: Preview of cases," CLE Presentation, Kansas Judicial Conference, Overland Park, Kansas. Copy of written materials supplied.

May 28, 2015: Speaker, "OT2014: Preview of cases," CLE Presentation, Recent Developments in the Law, University of Kansas School of Law, Lawrence, Kansas. Copy of written materials supplied.

April 17, 2015: Speaker, "OT2014: Preview of cases," CLE Presentation, Return to Green Conference, University of Kansas School of Law, Lawrence, Kansas. Copy of written materials supplied.

November 7, 2014: Speaker, "OT2014: Preview of cases," CLE Presentation, United States District Court for the District of Kansas, Kansas City, Kansas. Copy of written materials supplied.

October 29, 2014: Speaker, The Practical Application of Qualified Immunity during the Dispositive Motion Process, then-Professor Stephen R. McAllister's Constitutional Litigation class, University of Kansas School of Law, Lawrence, Kansas. Copy of written materials supplied.

September 25, 2014: Speaker, "OT2013: Important cases," CLE Presentation, Law Over Easy, University of Kansas School of Law, Kansas City, Missouri. Copy of written materials supplied.

August 28, 2014: Speaker, "OT2013: Important cases," CLE Presentation, United States District Court for the District of Kansas, Kansas City, Kansas. Copy of written materials supplied.

June 13, 2014: Speaker, "First Amendment and Supremacy Clause Challenge to State Legislation," CLE Presentation, Wichita Bar Association, Wichita, Kansas. Copy of written materials supplied.

May 30, 2014: Speaker, "OT2013: Important Cases," CLE Presentation, Recent Developments in the Law, University of Kansas School of Law, Lawrence, Kansas. Copy of written materials supplied.

May 2, 2014: Speaker, "Section 1983: Dispositive motion checklist," CLE Presentation, Foulston Siefkin seminar for Johnson and Wyandotte County Municipal Attorneys Group, Overland Park, Kansas. Copy of written materials supplied.

March 2014: Speaker, "OT2013: Civil Rights cases," 4th Annual John E. Shamberg Memorial CLE, Kansas Bar Association, Overland Park, Kansas. Copy of written materials supplied.

November 21, 2013: Speaker, "OT2013: Preview Of Cases," CLE Presentation, United States District Court for the District of Kansas, Kansas City, Kansas. Copy of written materials supplied.

November 4, 2013: Speaker, The Practical Application of Qualified Immunity during the Dispositive Motion Process, then-Professor Stephen R. McAllister's Constitutional Litigation class, University of Kansas School of Law, Lawrence, Kansas. Copy of written materials supplied.

October 24, 2013: Speaker, "U.S. Supreme Court Opinions: Summary & Analysis – October Term 2012," CLE Presentation, Annual Bar Institute, Leavenworth County Bar Association, Leavenworth, Kansas. Copy of written materials supplied.

September 6, 2013: Speaker, "U.S. Supreme Court Opinions: Summary & Analysis – October Term 2012," CLE Presentation, Southwest Kansas Bar

Association Annual Meeting, Dodge City, Kansas. Copy of written materials supplied.

June 21, 2013: Speaker, "U.S. Supreme Court Opinions: Summary & Analysis – October Term 2012," CLE Presentation, Kansas Bar Association Annual Meeting, Wichita, Kansas. Copy of written materials supplied.

May 31, 2013: Speaker, "U.S. Supreme Court Opinions: Summary & Analysis – October Term 2012," CLE Presentation, Recent Developments in the Law, University of Kansas School of Law, Lawrence, Kansas. Copy of written materials supplied.

April 26, 2013; Speaker, "U.S. Supreme Court Opinions: Summary & Analysis – October Term 2012," CLE Presentation, Return to Green Conference, University of Kansas School of Law, Lawrence, Kansas. Copy of written materials supplied.

January 18, 2013: Speaker, "Section 1983: Dispositive Motion Checklist," CLE Presentation, Wichita Bar Association, Wichita, Kansas. Copy of written materials supplied.

December 5, 2012: Speaker, "OT2012: Preview of Cases," CLE Presentation, United States District Court for the District of Kansas, Kansas City, Kansas. Copy of written materials supplied.

September 19, 2012: Speaker, "U.S. Supreme Court Opinions: Summary & Analysis – October Term 2011," CLE Presentation, United States District Court for the District of Kansas, Kansas City, Kansas. I believe I used substantially the same written materials as the June 1, 2012 presentation.

June 14, 2012: Speaker, "U.S. Supreme Court Opinions: Summary & Analysis – October Term 2011," CLE Presentation, Kansas Bar Association Annual Meeting, Overland Park, Kansas. Copy of written materials supplied.

June 1, 2012: Speaker, "U.S. Supreme Court Opinions: Summary & Analysis – October Term 2011," CLE Presentation, Recent Developments in the Law, University of Kansas School of Law, Lawrence, Kansas. Copy of written materials supplied.

April 20, 2012: Speaker, "U.S. Supreme Court Opinions: Summary & Analysis – October Term 2011," CLE Presentation, Return to Green Conference, University of Kansas School of Law, Lawrence, Kansas. Copy of written materials supplied.

December 20, 2011: Speaker, "OT2011: Preview of Cases," CLE Presentation, United States District Court for the District of Kansas, Kansas City, Kansas. Copy of written materials supplied.

May 2011: Speaker, "U.S. Supreme Court Opinions: Summary & Analysis – OT2009," CLE Presentation, Recent Developments in the Law, University of Kansas School of Law, Lawrence, Kansas. Copy of written materials supplied.

June 2010: Speaker, "U.S. Supreme Court Opinions: Summary & Analysis – OT2009," CLE Presentation, Kansas Bar Association Annual Meeting, Wichita, Kansas. Copy of written materials supplied.

May 28, 2010: Speaker "U.S. Supreme Court Opinions: Summary & Analysis – OT2009," CLE Presentation, Recent Developments in the Law, University of Kansas School of Law, Lawrence, Kansas. Copy of written materials supplied.

April 2010: Speaker, "U.S. Supreme Court Opinions: Summary & Analysis – OT2009," CLE Presentation, Return to Green Conference, University of Kansas School of Law, Lawrence, Kansas. Copy of written materials supplied.

June 2009: Speaker, "U.S. Supreme Court Opinions: Summary & Analysis – OT2008," CLE Presentation, Kansas Bar Association Annual Meeting. (My recollection is that I was scheduled to present at the annual meeting but had to cancel at the last minute due to a family health emergency.) Copy of written materials supplied.

June 2008: Speaker, "U.S. Supreme Court Opinions: Summary & Analysis – OT2007," CLE Presentation, Kansas Bar Association Annual Meeting, Topeka, Kansas. Copy of written materials supplied.

June 8, 2007: Speaker, "U.S. Supreme Court Opinions: Summary & Analysis – OT2006," CLE Presentation, Kansas Bar Association Annual Meeting, Wichita, Kansas. Copy of written materials supplied.

June 2006: Speaker, "U.S. Supreme Court Opinions: Summary & Analysis – OT2005," CLE Presentation, Kansas Bar Association Annual Meeting, Overland Park, Kansas. Copy of written materials supplied.

January 25, 2002: Speaker, "42 U.S.C. § 1983: Under Color Of State Law: Identifying Those Who Are or May Be Considered State Actors," CLE Presentation, Wichita Bar Association, Wichita, Kansas. Copy of written materials supplied.

November 16, 2001: Speaker, "Federal Jurisdiction: Should We Have This Case? A Fresh Look at Federal Practice in the District of Kansas," CLE Presentation, Wichita Bar Association, Wichita, Kansas. Copy of written materials supplied.

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

they are available to you.

None.

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

I have not held judicial office.

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

- i. Of these, approximately what percent were:

jury trials:	_____%
bench trials:	_____% [total 100%]
civil proceedings:	_____%
criminal proceedings:	_____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
  - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

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

15. **Public Office, Political Activities and Affiliations:**

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

I have never held or sought elected office.

Solicitor General, State of Kansas, 2018 – present. I was appointed by Kansas Attorney General, Derek Schmidt.

- 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.

None.

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;

I served as law clerk for the Honorable Mary Beck Briscoe, Circuit Judge, United States District Court of Appeals for the Tenth Circuit, from 2002 to 2003. I served as law clerk for the Honorable Monti L. Belot, District Judge, United States District Court for the District of Kansas, from 2000 to 2002.

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

Since 2018, I have practiced alone on a part-time basis. The address is Crouse LLC, 11184 Antioch, No. 253, Overland Park, Kansas 66210.

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.

2003 – 2007  
Shook, Hardy & Bacon, LLP  
2555 Grand Boulevard  
Kansas City, Missouri 64108  
Associate

2008 – 2018  
Foulston Siefkin  
9225 Indian Creek Parkway, Suite 600  
Overland Park, Kansas 66210  
Partner (2011 – 2018)  
Special Counsel (2008 – 2011)

2018 – present  
Office of the Kansas Attorney General  
120 South West 10th Avenue, 2nd Floor  
Topeka, Kansas 66612  
Solicitor General

2018 – present  
Crouse LLC  
11184 Antioch Road, Number 253  
Overland Park, Kansas 66210  
Owner

- 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.

After I completed my clerkships, I began practicing law as a litigation associate at Shook, Hardy & Bacon, LLP. I practiced there from 2003 through 2007. My practice included a wide variety of commercial, civil rights, and other complex disputes primarily in Kansas. I participated in every phase of civil litigation, including initial complaints, discovery, depositions, motions, trial, and appeal. Except as to pro bono matters, I primarily represented corporate entities and governmental actors and entities.

I left Shook, Hardy & Bacon, LLP to join the law firm of Foulston Siefkin LLP, where I practiced from 2008 through 2018. My practice was focused on a wide variety of commercial, constitutional, and other complex litigation matters. I participated in all phases of civil litigation, including pre-trial counseling through post-trial appellate work. Except for pro bono matters, I primarily represented corporate entities, governmental actors, and governing bodies.

In 2018, Kansas Attorney General Derek Schmidt appointed me to be Solicitor General of Kansas. I serve, part-time, in that role at this time. As the chief appellate lawyer for the State of Kansas, I supervise appellate and significant trial court litigation for Kansas Attorney General Derek Schmidt. In that role, I have presented briefing and oral argument in state and federal courts, including the United States Supreme Court, Tenth Circuit Court of Appeals, and Kansas Supreme Court.

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

While in private practice at Shook, Hardy, & Bacon LLP, Foulston Siefkin



LLP, and Crouse LLC, the firms' clients are and have been primarily business entities, individuals, and governmental entities and actors. My areas of concentration have been and continue to be trial and appellate litigation. Although my practice primarily involved litigation, my practice also includes and has included counseling clients in an effort to avoid litigation.

As Solicitor General, my client is the State of Kansas, including its various agencies and officials. I do not have a specific area of concentration, but the bulk of my cases involve state and federal constitutional, statutory, and administrative law issues. This includes both civil and criminal matters.

- 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.

While in private practice at Shook, Hardy & Bacon, LLP, Foulston Siefkin LLP, and Crouse LLC, approximately 90% of my practice was in litigation activities. I appeared in court, handling many smaller matters myself and working as part of a larger team in other more complex matters.

As Solicitor General of Kansas, approximately 90% of my practice is in litigation. I appear in court frequently as the lead attorney on many of the State of Kansas's significant matters.

- i. Indicate the percentage of your practice in:

1. federal courts:	85%
2. state courts of record:	15%
3. other courts:	0%
4. administrative agencies:	0%

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	85%
2. criminal proceedings:	15%

- 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.

Excluding cases in which I obtained a dispositive ruling, I was counsel for only two matters that were tried to verdict. One was a medical malpractice jury trial that occurred in 2011. I second-chaired the six-day jury trial, where I prepared witnesses, presented evidence, and argued various motions at trial. At the conclusion of the trial on May 20, 2011, the jury returned a verdict in favor of my clients, the physicians.

The other trial was a multi-party redistricting matter that was tried to a three-judge panel. *See Essex v. Kobach*, 874 F. Supp. 2d 1069 (D. Kan. 2012). I prepared pre-trial pleadings, presented evidence and argument, and drafted post-trial briefing. Ultimately, the panel's resolution resulted in our clients' recovery of prevailing-party attorney fees.

- i. What percentage of these trials were:
  1. jury: 50%
  2. non-jury: 50%
- 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.

As Kansas Solicitor General, I have litigated the following merits cases to judgment as Counsel of Record in the Supreme Court:

*Kansas v. Glover*, No. 18-556 (April 6, 2020)  
*Kahler v. Kansas*, 140 S. Ct. 1021 (2020)  
*Kansas v. Garcia*, 140 S. Ct. 791 (2020)

As Kansas Solicitor General, I have been Counsel of Record in the following cases in the Supreme Court seeking or opposing a writ of certiorari in which certiorari was not or has not yet been granted. (This list does not include waivers filed pursuant to S. Ct. 15.2):

*Kansas v. Boettger*, No. 19-1051  
*N.E.L. v. Douglas County, Colo.*, No. 18-503  
*Simmons v. Kansas*, No. 17-8003  
*Meredith v. Kansas*, No. 17-7301  
*Huey v. Kansas*, No. 17-7282

While I have been Kansas Solicitor General, the State of Kansas has filed a petition in the Supreme Court seeking a writ of certiorari in the following cases in which I was not Counsel of Record:

*LaTurner v. United States*, No. 19A948  
*Andersen v. Planned Parenthood of Kan. & Mid-Missouri*, No. 17-1340.

While in private practice, I filed one petition for writ of certiorari and one amicus brief in support of a petition for writ of certiorari in the Supreme Court:

*L.D. Drilling, Inc. v. N. Nat. Gas Co.*, No. 17-786  
*Home Care Association of Am. v. Weil*, No. 15-683

While I have been Kansas Solicitor General, the State of Kansas authored or joined amicus briefs in the following cases in the Supreme Court:

*Ohio v. Ford*, No. 19-1191  
*BP P.L.C. v. Mayor & City Council of Baltimore*, No. 19-1189  
*Baker v. Planned Parenthood S. Atl.*, No. 19-1186  
*Texas v. California*, No. 22O153  
*Montana & Wyo. v. Washington*, No. 22O152  
*McGirt v. Oklahoma*, No. 18-9526  
*Morgan v. White*, Case Nos. 19-1023 and 19-8117  
*Skipper v. Byrd*, No. 19-992  
*Barr v. American Ass'n of Political Consultants, Inc.*, No. 19-631  
*Lomax v. Ortiz-Marquez*, No. 18-8369  
*Box v. Planned Parenthood of Ind. & Kent., Inc.*, No. 19-816  
*Hill v. Whole Woman's Health Alliance*, No. 19-743  
*Faust v. B.K.*, No. 19-765  
*Yost v. Planned Parenthood Sw. Ohio Region*, No. 19-677  
*United States Forest Serv. v. Cowpasture River Preserv. Ass'n*, Case Nos. 18-1584 & 18-1587  
*Barr v. Roane*, No. 19A615.  
*Malpasso v. Pallozzi*, No. 19-423  
*Culp v. Raoul*, No. 19-487  
*Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, Case Nos. 19-431 and 19-454  
*McKinney v. Arizona*, No. 18-1109  
*All Am. Check Cashing, Inc. v. Consumer Fin. Prot. Bureau*, No. 19-432  
*Banister v. Davis*, No. 18-6943  
*Regents of the Univ. of Minn. v. LSI Corp.*, No. 19-337  
*Arlene's Flowers, Inc. v. Washington*, No. 19-333  
*Allen v. Cooper*, No. 18-877  
*Benzon v. Kell*, No. 19-239  
*Espinoza v. Montana Dep't of Revenue*, No. 18-1195  
*Ramos v. Louisiana*, No. 18-5924  
*Seila Law LLC v. Consumer Fin. Prot. Bureau*, No. 19-7  
*New York State Rifle & Pistol Ass'n v. City of New York*, No. 18-280  
*Illinois v. Bonilla*, No. 18-1219  
*Georgia v. Public.Resource.Org, Inc.*, No. 18-1150  
*Taggart v. Lorenzen*, No. 18-489  
*Box v. Planned Parenthood of Ind. & Kent., Inc.*, No. 18-1019  
*Kettler v. United States*, No. 18-936  
*United Parcel Serv. v. Postal Regulatory Comm'n*, No. 18-853  
*Pena v. Horan*, No. 18-843  
*Harris v. West Ala. Women's Ctr.*, No. 18-837  
*Kisor v. Wilkie*, No. 18-15  
*Rogers v. Grewal*, No. 18-824

*United States v. Haymond*, No. 17-1672  
*Mance v. Barr*, No. 18-663  
*Department of Commerce v. United States District Court for the S. Dist. of N.Y.*,  
 Case Nos. 18-557 and 18-996  
*Department of Homeland Sec. v. Regents of the Univ. of Calif.*, Case Nos. 18-587,  
 18-588, and 18-589  
*Rutledge v. Pharm. Care Mgmt. Ass'n*, No. 18-540  
*Tenn. Wine & Spirits Retailers Ass'n v. Blair*, No. 18-96  
*Herrera v. Wyoming*, No. 17-532  
*Box v. Planned Parenthood of Ind. & Kent., Inc.*, No. 18-483  
*Montana v. Tipton*, No. 18-444  
*Gamble v. United States*, No. 17-646  
*City of Pensacola v. Kondrat'yev*, No. 18-351  
*Kinder Morgan Energy Partners, L.P. v. Upstate Forever*, No. 18-268  
*Cty. of Maui v. Haw. Wildlife Fund*, No. 18-260  
*Garza v. Idaho*, No. 17-1026  
*Connecticut v. Skakel*, No. 18-185  
*Nieves v. Bartlett*, No. 17-1174  
*Bucklew v. Precythe*, No. 17-8151  
*Madison v. Alabama*, No. 17-7505  
*Carpenter v. Murphy*, No. 17-1107  
*Maryland-National Capital Park & Planning Comm'n v. Am. Humanist Ass'n*,  
 Case Nos. 18-18 and 17-1717.  
*California Sea Urchin Comm'n v. Combs*, No. 17-1636  
*Gee v. Planned Parenthood of Gulf Coast, Inc.*, No. 17-1492  
*Weyerhaeuser Co. v. United States Fish & Wildlife Serv.*, No. 17-71  
*Scarnetti v. Agre*, No. 17-1368  
*Nevada Dep't of Wildlife v. Smith*, No. 17-1348  
*Franchise Tax Bd. of Calif. v. Hyatt*, No. 17-1299  
*Ryan v. Poyson*, No. 17-1274  
*Connecticut v. Torres*, No. 17-1112  
*Colorado v. Fuentes-Espinoza*, No. 17-1084  
*Trump v. Hawaii*, No. 17-965  
*Lucia v. Securities & Exchange Comm'n*, No. 17-130  
*Washington State Dep't of Licensing v. Cougar Den, Inc.*, No. 16-1498

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. *W. Platte R-II Sch. Dist. v. Wilson*, 439 F.3d 782 (8th Cir.2006).

My former firm represented Judi Wilson and her son *pro bono* in a dispute with her son's school district concerning a violation of the Individuals with Disabilities Education Act. When the school district appealed the district court's preliminary injunction entered against it, I served as lead appellate counsel *pro bono* for the family in the Eighth Circuit. My representation began in 2005 and concluded in 2006. I argued the case to the Eighth Circuit panel comprised of Judges Loken, Wollman, and Riley. In light of a Supreme Court opinion that had been rendered after the district court entered its preliminary injunction, the Eighth Circuit reversed the district court's judgment that the school district violated the IDEA's requirements and remanded that issue to the district court for further proceedings. The Eighth Circuit affirmed the district court's judgment insofar as it precluded the school district from supplementing the administrative record and on a recusal issue.

Co-counsel:

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[formerly with Shook, Hardy & Bacon LLP]  
Fey LLC  
11300 Tomahawk Creek Parkway, Suite 155  
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(913) 948-6309

Opposing counsel:

Teri B. Goldman  
[retired]

2. *Duvall v. Putnam City Sch. Dist.*, 530 F. App'x 804 (10th Cir. 2013).

A former special education teacher filed a *pro se* lawsuit against the school district and her former supervisors, asserting discrimination and retaliation under federal anti-discrimination statutes and the First Amendment. The district court granted defendants summary judgment and the teacher appealed. In 2012, the Tenth Circuit appointed me to represent Ms. Duvall *pro bono*. I filed two briefs and argued the case to the Tenth Circuit. The panel was comprised of Judges Kelly, Holmes, and Martinez (sitting by designation). In a 2-1 decision, the Tenth Circuit affirmed. My representation concluded in 2013.

Co-counsel:

None

Opposing counsel:

Laura L. Holmes  
The Center for Education Law  
900 North Broadway Avenue, Suite 300  
Oklahoma City, Oklahoma 73102  
(405) 528-2800

3. *Kansas v. Glover*, No. 18-556 (April 6, 2020).

The Kansas Supreme Court held that an officer lacked reasonable suspicion to initiate a traffic stop of Mr. Glover. Acting as Solicitor General and Counsel of Record, I led a team of lawyers that successfully petitioned the Supreme Court for a writ of certiorari, obtained amicus support of the United States, and submitted merits briefs. I argued the case on November 4, 2019. The representation began in 2018. On April 6, the Court, by a vote of 8-1, agreed with the State's arguments and reversed the judgment of the Kansas Supreme Court.

Co-counsel:

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Jeffrey A. Chanay  
Kristofer Ailslieger  
Brant M. Laue  
Natalie Chalmers  
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Opposing counsel:

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4. *Kansas v. Garcia*, 140 S. Ct. 791 (2020).

The Kansas Supreme Court held that three state-court convictions for using stolen identities on state and federal tax forms were expressly preempted by the Immigration Reform and Control Act of 1986 (IRCA), 100 Stat. 3359. The State of Kansas successfully petitioned the Court for writ of certiorari. Acting as Solicitor General and Counsel of Record, I led a team of lawyers that successfully convinced the United States to submit an amicus brief in support of our position, filed two merits briefs, and aided in the preparation of Kansas Attorney General Derek Schmidt's successful oral argument. The Supreme Court unanimously rejected the Kansas Supreme Court's express preemption holding and a majority of the Court rejected an implied preemption theory that the Court asked the parties to address.

Co-counsel:

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Opposing counsel:

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5. *Kahler v. Kansas*, 140 S. Ct. 1021 (2020).

The United States Supreme Court granted certiorari to consider whether the Eighth or Fourteenth Amendments permit a state to utilize a *mens rea* approach to insanity. Acting as Solicitor General and Counsel of Record, I led a team of lawyers that successfully obtained amicus support of the United States and submitted merits briefs. I argued the case on October 7, 2019. The Supreme Court ruled in Kansas's favor, by a 6-3 vote, finding that the Fourteenth Amendment did not forbid the Kansas approach to insanity and that the Eighth Amendment claim had not been presented to the Kansas Supreme Court.

Co-counsel:

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Opposing counsel:

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6. *McHenry v. City of Ottawa*, No. 16-2736, 2017 WL 4269903 (D. Kan. 2017).

Plaintiff asserted a variety of constitutional claims and one claim arising under the Americans with Disabilities Act concerning alleged excessive force. I represented individuals and entities associated with the Franklin County, Kansas, Sheriff. The district court, Honorable Daniel D. Crabtree, granted in part and denied in part the Rule 12 motion that I filed. The officers filed an interlocutory appeal concerning questions of immunity and, in a subsequent order, Judge Crabtree certified the ADA question for immediate appeal pursuant to 28 U.S.C. § 1292(b), too. The case was resolved through the Tenth Circuit's mediation process. My representation spanned 2016 through 2018.

Co-counsel:

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Co-defendants' counsel:

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Opposing Counsel:

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7. *Little v. The Budd Co.*, No. 19-3014 (10th Cir. Apr. 3, 2020).

The district court rejected The Budd Company's assertion that plaintiff's state-law claims concerning asbestos exposure was preempted by the Locomotive Inspection Act and/or the Safety Appliance Act. The case proceeded to trial and a jury awarded plaintiff roughly \$10,000. I was retained in 2018 by The Budd Company to monitor trial proceedings and prepare for prosecuting an appeal concerning the preemption questions. I prepared two briefs and presented oral argument to a Tenth Circuit panel consisting of Judges Holmes, Murphy, and Phillips. The Tenth Circuit affirmed the district court's judgment.

Co-counsel:

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Opposing Counsel:

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8. *Couser v. Gay*, No. 19-3088 (10th Cir.).

Plaintiff filed suit pursuant to 42 U.S.C. § 1983 against the Harvey County, Kansas, Sheriff. The district court dismissed the individual-capacity claim, but rejected the sheriff's invocation of Eleventh Amendment immunity. I represented the sheriff before the district court and on appeal, where I presented oral argument to a Tenth Circuit panel that consisted of Judges Matheson, Kelly, and Phillips. The Tenth Circuit has not yet rendered a decision. My representation has spanned between 2018 and the present.

Co-counsel:

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Kelsey N. Frobisher  
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Opposing Counsel:

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(720) 583-6514

9. *LaShure v. Felts*, Geary District Court, No. 04-CV-155 (2018).

A patient filed a cause of action against two emergency room physicians, alleging they misdiagnosed a bacterial foot bone infection. Following remand from the Kansas Court of Appeals, the case was re-tried in May 2011 to a jury in Geary County, Kansas. The trial judge was Judge Martiza Segarra (now retired). My partner and I represented the two emergency room physicians. I second-chaired the six-day jury trial, where I prepared witnesses, presented evidence, and argued various motions at trial. At the conclusion of the trial on May 20, 2011, the jury returned a verdict in favor of the physicians.

Co-counsel:

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[retired from Foulston Siefkin LLP]  
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L.J. Leatherman

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(888) 297-6212

10. *Kansas Penn Gaming, LLC v. Collins*, 656 F.3d 1210 (10th Cir. 2011)

A property owner filed a civil rights action against a county and some of its officials, alleging a class-of-one equal protection claim over threatened nuisance enforcement action. The district court dismissed the cause of action and Kansas Penn appealed to the Tenth Circuit. I represented the county government on appeal. The Tenth Circuit panel, which consisted of Judge Tymkovich, then-Judge Gorsuch, and Judge McKay, affirmed the county's position. My representation spanned 2009 to 2011.

Co-counsel:

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Opposing counsel:

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

My practice has been primarily focused on litigation before trial and appellate courts. Non-litigation activities have included referring matters to other lawyers with particular expertise (e.g., tax, M&A, or employment) or counseling clients concerning non-litigation-specific obligations, including electronic data and the like.

As Kansas Solicitor General, I provide counsel to the Kansas Attorney General on a variety of matters, including formal and informal legal opinions that the Kansas Attorney General issues or other legal matters involving the State. In addition, I have served as a

moot court judge for lawyers within my office preparing to present oral argument.

I have not been involved in any lobbying activities.

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

I have not taught any courses.

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 such plans.

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

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

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

Please see attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I will recuse in any litigation where I have ever played a role. For a period of time, I anticipate recusing in all cases where the State of Kansas is a litigant and cases where my current firm, Crouse LLC, or cases in which my former firm, Foulston Siefkin LLP, with whom I serve as co-counsel on several cases, represent a party. I will evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case-by-case basis and determine appropriate action with the advice of parties and their counsel including recusal where necessary.

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

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

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

While in private practice, I volunteered to represent various parties on a *pro bono* basis. In 2006, I served as appellate *pro bono* counsel in a dispute involving the Individuals with Disabilities Act. *W. Platte R-II Sch. Dist. v. Wilson*, 439 F.3d 782 (8th Cir. 2006). And in 2012, the Tenth Circuit appointed me to serve as *pro bono* appellate counsel for a former special education teacher who asserted violations of federal statutory and constitutional rights. *Duvall v. Putnam City Sch. Dist.*, 530 F. App'x 804 (10th Cir. 2013).

Once I became Solicitor General of the State of Kansas and maintained a private practice, my ability to take on additional *pro bono* representation was limited. Nonetheless, I made efforts to fulfill my obligations through engagement with law students and members of the legal profession, including at the University of Kansas School of Law and the Washburn University School of Law.

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 February 2020, staff in the offices of Senator Roberts and Senator Moran spoke to me about the current judicial vacancy and my interest in serving as a district court judge. I was contacted by officials from the White House Counsel's Office on February 26, 2020, and on March 9, 2020, I interviewed in Washington, D.C. with attorneys from the White House Counsel's Office and the Department of Justice's Office of Legal Policy. During that trip, I also met with Senator Pat Roberts and Senator Jerry Moran. Throughout this process I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice.

- 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.