

**Senator Lindsey Graham, Ranking Member**  
**Questions for the Record**  
**Judge Jasmine Hyejung Yoon**

**Nominee to be United States District Judge for the District of Western District of Virginia**

1. **Are you a citizen of the United States?**

Response: Yes.

2. **Are you currently, or have you ever been, a citizen of another country?**

Response: Yes.

- a. **If yes, list all countries of citizenship and dates of citizenship.**

Response: South Korea (1980-2003)

- b. **If you are currently a citizen of a country besides the United States, do you have any plans to renounce your citizenship?**

Response: I am not currently a citizen of South Korea. I am a citizen of the United States of America only.

- i. **If not, please explain why.**

Response: Not applicable.

3. **Is it appropriate for a federal judge to consider an immutable characteristic of an attorney (such as race or sex) when deciding whether to grant oral argument? If yes, please describe in which circumstances such consideration would be appropriate.**

Response: No.

4. **Is it appropriate for a federal judge to consider an immutable characteristic of an attorney (such as race or sex) when deciding whether to grant additional oral argument time? If yes, please describe in which circumstances such consideration would be appropriate.**

Response: No.

5. **Is it ever appropriate to consider foreign law in constitutional interpretation? If yes, please describe in which circumstances such consideration would be appropriate.**

Response: No. It would not be appropriate to consider foreign law when interpreting the provisions of the Constitution given that the Constitution is a domestic document. It should be noted, however, that the Supreme Court has occasionally considered the historical laws of England when interpreting constitutional provisions. *See, e.g., District of Columbia v. Heller*, 554 U.S. 570 (2008).

6. **Your husband is the U.S. Attorney for the Western District of Virginia, which could create conflicts of interest when cases handled by Mr. Kavanaugh’s office come before you. How will you approach potential conflicts of interest?**

Response: If I were confirmed, and if my husband were still serving as the United States Attorney for the Western District of Virginia, I would recuse myself from matters in which the United States is a party until he leaves office and from any matters that were active within the United States Attorney’s Office during his tenure as the United States Attorney, which would eliminate any actual as well as the potential appearance of conflicts of interest. Additionally, I will follow the Code of Conduct for United States Judges and the rules and standards regarding disqualification under 28 U.S.C. §455. I would also be guided by the relevant judicial decisions and published advisory opinions issued by the Judicial Conference’s Committee on Codes of Conduct.

7. **Please explain whether you agree or disagree with the following statement: “The judgments about the Constitution are value judgments. Judges exercise their own independent value judgments. You reach the answer that essentially your values tell you to reach.”**

Response: I disagree with the statement. Judges should not exercise value judgments when resolving constitutional questions. Rather, they are duty-bound to faithfully and impartially follow and apply the Supreme Court and relevant Circuit precedent.

8. **When asked why he wrote opinions that he knew the Supreme Court would reverse, Judge Stephen Reinhardt’s response was: “They can’t catch ’em all.” Is this an appropriate approach for a federal judge to take?**

Response: No. Federal district court judges are required to follow precedents and I would faithfully and impartially apply the Supreme Court and Fourth Circuit precedent if confirmed as a district court judge.

9. **Do you consider a law student’s public endorsement of or praise for an organization listed as a “Foreign Terrorist Organization,” such as Hamas or the Popular Front for the Liberation of Palestine, to be disqualifying for a potential clerkship in your chambers? Please provide a yes or no answer. If you would like to include an additional narrative response, you may do so, but only after a yes or no answer. Failure to provide a yes or no answer will be construed as a “no.”**

Response: Yes. If confirmed, I would find any public endorsement of or praise for a “Foreign Terrorist Organization” to be unequivocally disqualifying for a potential position in my chambers.

10. **In the aftermath of the brutal terrorist attack on Israel on October 7, 2023 the president of New York University’s student bar association wrote “Israel bears full responsibility for this tremendous loss of life. This regime of state-sanctioned violence created the conditions that made resistance necessary.” Do you consider such a**

**statement, publicly made by a law student, to be disqualifying with regards to a potential clerkship in your chambers? Please provide a yes or no answer. If you would like to include an additional narrative response, you may do so, but only after a yes or no answer. Failure to provide a yes or no answer will be construed as a “no.”**

Response: Yes.

- 11. Please describe the relevant law governing how a prisoner in custody under sentence of a federal court may seek and receive relief from the sentence.**

Response: There are multiple ways a prisoner in federal custody may seek relief from the sentence: a direct appeal of the district court’s judgment to the Court of Appeals under 28 U.S.C. § 1291; a motion to vacate, set aside, or correct the sentence under 28 U.S.C. § 2255; a petition for a writ of habeas corpus under 28 U.S.C. § 2241; and a motion for compassionate release for modification of a term of imprisonment under 18 U.S.C. § 3582(c).

- 12. Please explain the facts and holding of the Supreme Court decisions in *Students for Fair Admissions, Inc. v. University of North Carolina* and *Students for Fair Admissions Inc. v. President & Fellows of Harvard College*.**

Response: Students for Fair Admissions (SFFA) sued the University of North Carolina (UNC) and Harvard College (Harvard) alleging that their admissions policies, which used race as one factor among many when selecting their incoming classes, violated the Equal Protection Clause of the Fourteenth Amendment and Title VI of the Civil Rights Act of 1964, respectively. The Supreme Court jointly decided these cases and found the race-based admissions policies at UNC and Harvard unconstitutional and violated the Equal Protection Clause. *See Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 600 U.S. 181, 213-25 (2023). The Court additionally found that the colleges failed to satisfy the strict scrutiny test because they failed to demonstrate a meaningful connection between the means and the goals of achieving educational diversity, resulted in negative racial stereotyping, and offered no logical endpoint. *Id.* at 214-25.

- 13. Have you ever participated in a decision, either individually or as a member of a group, to hire someone or to solicit applications for employment?**

Response: Yes.

**If yes, please list each job or role where you participated in hiring decisions.**

Response: I participated in hiring decisions in various positions I held during my career. First, as an Associate attorney at Crowell & Moring, LLP, I participated in the interviews as one of several attorneys on the recruiting committee for summer associate, first-year, and lateral attorney positions. My evaluation was given to the recruiting committee for the chair’s decision to make the final hiring decision. As an Assistant United States Attorney for the Eastern District of

Virginia, I participated in interview panels for summer interns. My evaluation was given to the chair of the summer associate committee for their final hiring decision. As an Associate Director of Annual Giving, I participated in interview panels for several staff members and my feedback was provided to my supervisor for final hiring decisions. Lastly, at Capital One, I participated in the panel interviews of several team members. I was part of a group that collectively made decisions to extend offers to the candidates.

- 14. Have you ever given preference to a candidate for employment or for another benefit (such as a scholarship, internship, bonus, promotion, or award) on account of that candidate's race, ethnicity, religion, or sex?**

Response: No.

- 15. Have you ever solicited applications for employment on the basis of race, ethnicity, religion, or sex?**

Response: No.

- 16. While an associate at Crowell & Moring, LLP you served on the firm's Diversity Committee. The firm has a diversity pledge to give preferential hires and promotions to women and minorities, including setting required percentages.**

**Do you support hiring or promoting on the basis of race, sex, or gender? Should it play a role in the hiring process?**

Response: I do not support hiring or promoting on the basis of race, sex, or gender. Rather, I would consider the applicants' qualifications based on their accomplishments and experiences as individuals.

- 17. Have you ever worked for an employer (such as a law firm) that gave preference to a candidate for employment or for another benefit (such as a scholarship, internship, bonus, promotion, or award) on account of that candidate's race, ethnicity, religion, or sex?**

Response: Yes.

**If yes, please list each responsive employer and your role at that employer. Please also describe, with respect to each employer, the preference given. Please state whether you played any part in the employer's decision to grant the preference.**

Response: From 2006 to 2009, as an Associate attorney at Crowell & Moring, LLP, I participated in the interviews as one of several attorneys on the recruiting committee for summer associate, first-year, and lateral attorney positions. My

evaluation was given to the recruiting committee for the chair's decision to make the final hiring decision. In my evaluation, I have not given any preference to candidates on the basis of their race, ethnicity, religion or sex. During my time at the firm, I do not believe the firm gave preferences to candidates for employment or another benefit on the basis of their race, ethnicity, religion or sex at that time.

Based on my internet research, I learned that Crowell & Moring, LLP currently pledges to meet certain percentages of women, racial minorities and LGBTQ lawyers in its interview and promotion pools. I have not played any part in the firm's decision to grant such preferences or benefits and do not have any knowledge regarding when these initiatives started.

**18. Under current Supreme Court and Fourth Circuit precedent, are government classifications on the basis of race subject to strict scrutiny?**

Response: Yes. *See Students for Fair Admissions*, 600 U.S. at 206; *Podberesky v. Kirwan*, 956 F.2d 52, 55 (4th Cir. 1992) (holding that the University of Maryland's race-based scholarship program is "subjected to a strict scrutiny test").

**19. Please explain the holding of the Supreme Court's decision in *303 Creative LLC v. Elenis*.**

Response: The Supreme Court ruled that forcing a website designer to design a same sex wedding website against her religious beliefs under the Colorado Anti-Discrimination Act (CADA) would violate the First Amendment free speech right of the web designer. *303 Creative LLC v. Elenis*, 600 U.S. 570 (2023). The Court said that CADA sought "to force an individual to speak in ways that align with its views but defy her conscience about a matter of major significance." *Id.* at 602-03.

**20. In *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 642 (1943), Justice Jackson, writing for the Court, said: "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein."**

**Is this a correct statement of the law?**

Response: Yes. *West Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624 (1943) has not been overturned and remains a good law. The Court cited *Barnette* in *303 Creative LLC*, *id.* at 585-589, to reenforce the point that the government may not impermissibly compel speech, which would contravene one's beliefs, in violation of the First Amendment.

**21. How would you determine whether a law that regulates speech is “content-based” or “content-neutral”? What are some of the key questions that would inform your analysis?**

Response: Generally, a law regulating speech is “content-based” if it “target[s] speech based on its communicative content” and “applies to particular speech because of the topic discussed or the idea or message expressed.” *City of Austin v. Reagan Nat’l Advert. of Austin, LLC*, 142 S. Ct. 1464, 1471 (2022) (citing *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155, 163 (2015)). On the other hand, a law is “content-neutral” if it does not focus on the idea or substance of the messages expressed but rather focus on the time, place, and manner of the speech. *Id.* at 1473. To inform my analysis, I would first look to see if the law is content-neutral on its face. Even if it appears content-neutral, I would review whether “impermissible purpose or justification underpins a facially content-neutral restriction,” *Id.* at 1475, and the law “cannot be justified without reference to the content of the regulated speech.” *Reed*, 576 U.S. at 163 (citation omitted).

**22. What is the standard for determining whether a statement is not protected speech under the true threats doctrine?**

Response: In *Counterman v. Colorado*, the Supreme Court defined “true threats” as “serious expression[s] conveying that a speaker means to ‘commit an act of unlawful violence.’” 143 S. Ct. 2106, 2114 (2023) (internal quotations and citations omitted). True threats of violence do not receive the First Amendment’s protection. *Id.* at 2113. The Court held that a statement is a true threat, if the speaker “had some subjective understanding of the threatening nature of his statements.” *Id.* at 2113-19. However, the First Amendment only requires a showing of mental state of recklessness” *Id.* at 2119 (internal quotations and citations omitted).

**23. Under Supreme Court and Fourth Circuit precedent, what is a “fact” and what sources do courts consider in determining whether something is a question of fact or a question of law?**

Response: The Supreme Court has recognized the difficulty for distinguishing questions of fact and questions of law. See *Pullman-Standard v. Swint*, 465 U.S. 273, 288 (recognizing the “vexing nature of the distinction”). Generally, the Court found a question of fact to involve “basic or historical fact—addressing questions of who did what, when or where, how or why.” *U.S. Bank Nat’l Ass’n v. Village at Lakeridge*, 138 S. Ct. 960, 966 (2018) (internal quotations and citation omitted). On the other hand, the Court held that a question of law primarily “require[s] courts to expound on the law, particularly by amplifying or elaborating on a broad legal standard.” *Id.* at 967. The Fourth Circuit has used the Supreme Court’s guidance and found a question to be purely legal if it could “be resolved without reference to any disputed facts.” *Younger v. Crowder*, 79 F.4th 373, 378 (4th Cir. 2023) (citing *Dupree v. Younger*, 143 S. Ct. 1382, 1389 (2023)).

**24. Which of the four primary purposes of sentencing—retribution, deterrence, incapacitation, and rehabilitation—do you personally believe is the most important?**

Response: Under 18 U.S.C. § 3553(a), a federal judge is required to impose sentences that are “sufficient, but not greater than necessary” to promote retribution, deterrence, incapacitation, and rehabilitation. 18 U.S.C. § 3553(a)(2). In doing so, a judge must consider nature and circumstances of the offense, the history and characteristics of the defendant, and the need for the sentence to serve various purposes, the kinds of sentences available, and any pertinent policy statement. *Id.* The statute does not indicate which, if any, of the four primary purposes should be considered the most important. If I am confirmed, I will faithfully consider all of the 3553(a) factors in making sentencing decisions.

**25. Please identify a Supreme Court decision from the last 50 years that you think is particularly well-reasoned and explain why.**

Response: As a judicial nominee, I am generally precluded from commenting on the quality of the reasoning of any particular Supreme Court decision under Canon 3(A)(6) of Code of Conduct for United States Judges. If confirmed, I would faithfully follow binding Supreme Court and Fourth Circuit precedent.

**26. Please identify a Fourth Circuit judicial opinion from the last 50 years that you think is particularly well-reasoned and explain why.**

Response: As a judicial nominee, I am generally precluded from commenting on the quality of the reasoning of any particular Fourth Circuit decision under Canon 3(A)(6) of Code of Conduct for United States Judges. If confirmed, I would faithfully follow binding Supreme Court and Fourth Circuit precedent.

**27. Please explain your understanding of 18 USC § 1507 and what conduct it prohibits.**

Response: 18 U.S.C. § 1507 prohibits conduct that is committed “with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the United States, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent uses any sound-truck or similar device or resorts to any other demonstration in or near any such building or residence.”

**28. Is 18 U.S.C. § 1507 constitutional?**

Response: As a judicial nominee, I am generally precluded from commenting on the constitutionality of 18 U.S.C. § 1507 under Canon 3(A)(6) of Code of Conduct for United States Judges. If confirmed, I would faithfully follow binding Supreme Court and Fourth Circuit precedent. *See Cox v. Louisiana*, 379 U.S. 559, 561-564 (1965) (holding a Louisiana statute modeled after § 1507 to be constitutionally valid).

29. Please answer the following questions yes or no. If you would like to include an additional narrative response, you may do so, but only after a yes or no answer:

a. **Was *Brown v. Board of Education* correctly decided?**

Response: Yes. Although I am generally precluded from commenting on whether a particular Supreme Court case was correctly decided as a judicial nominee under Canon 3(A)(6) of Code of Conduct for United States Judges, I can state my opinion that this case was correctly decided as the question of *de jure* segregation is well settled and unlikely to be litigated again.

b. **Was *Loving v. Virginia* correctly decided?**

Response: Yes. Although I am generally precluded from commenting on whether a particular Supreme Court case was correctly decided as a judicial nominee under Canon 3(A)(6) of Code of Conduct for United States Judges, I can state my opinion that this case was correctly decided as the constitutionality of interracial marriage is well settled and unlikely to be litigated again.

c. **Was *Griswold v. Connecticut* correctly decided?**

Response: As a judicial nominee, I am generally precluded from commenting on whether any particular Supreme Court decision was decided correctly under Canon 3(A)(6) of Code of Conduct for United States Judges. If confirmed, I would faithfully follow and apply *Griswold v. Connecticut*.

d. **Was *Roe v. Wade* correctly decided?**

Response: As a judicial nominee, I am generally precluded from commenting on whether any particular Supreme Court decision was decided correctly under Canon 3(A)(6) of Code of Conduct for United States Judges. I can state that the Supreme Court overturned *Roe v. Wade* and *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022), is binding precedent. If confirmed, I would apply *Dobbs* fully and faithfully.

e. **Was *Planned Parenthood v. Casey* correctly decided?**

Response: As a judicial nominee, I am generally precluded from commenting on whether any particular Supreme Court decision was decided correctly under Canon 3(A)(6) of Code of Conduct for United States Judges. I can state that the Supreme Court overturned *Planned Parenthood v. Casey* and *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022), is binding precedent. If confirmed, I would apply *Dobbs* fully and faithfully.

f. **Was *Gonzales v. Carhart* correctly decided?**



Response: As a judicial nominee, I am generally precluded from commenting on whether any particular Supreme Court decision was decided correctly under Canon 3(A)(6) of Code of Conduct for United States Judges. If confirmed, I would faithfully follow and apply *Gonzales v. Carhart*.

g. **Was *District of Columbia v. Heller* correctly decided?**

Response: As a judicial nominee, I am generally precluded from commenting on whether any particular Supreme Court decision was decided correctly under Canon 3(A)(6) of Code of Conduct for United States Judges. If confirmed, I would faithfully follow and apply *District of Columbia v. Heller*.

h. **Was *McDonald v. City of Chicago* correctly decided?**

Response: As a judicial nominee, I am generally precluded from commenting on whether any particular Supreme Court decision was decided correctly under Canon 3(A)(6) of Code of Conduct for United States Judges. If confirmed, I would faithfully follow and apply *McDonald v. City of Chicago*.

i. **Was *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC* correctly decided?**

Response: As a judicial nominee, I am generally precluded from commenting on whether any particular Supreme Court decision was decided correctly under Canon 3(A)(6) of Code of Conduct for United States Judges. If confirmed, I would faithfully follow and apply *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*.

j. **Was *New York State Rifle & Pistol Association v. Bruen* correctly decided?**

Response: As a judicial nominee, I am generally precluded from commenting on whether any particular Supreme Court decision was decided correctly under Canon 3(A)(6) of Code of Conduct for United States Judges. If confirmed, I would faithfully follow and apply *New York State Rifle & Pistol Association v. Bruen*.

k. **Was *Dobbs v. Jackson Women's Health* correctly decided?**

Response: As a judicial nominee, I am generally precluded from commenting on whether any particular Supreme Court decision was decided correctly under Canon 3(A)(6) of Code of Conduct for United States Judges. If confirmed, I would faithfully follow and apply *Dobbs v. Jackson Women's Health*.

l. **Were *Students for Fair Admissions, Inc. v. University of North Carolina and Students for Fair Admissions Inc. v. President & Fellows of Harvard College* correctly decided?**

Response: As a judicial nominee, I am generally precluded from commenting on whether any particular Supreme Court decision was decided correctly under Canon 3(A)(6) of Code of Conduct for United States Judges. If confirmed, I would faithfully follow and apply *Students for Fair Admissions, Inc. v. University of North Carolina* and *Students for Fair Admissions Inc. v. President & Fellows of Harvard College*.

m. **Was *303 Creative LLC v. Elenis* correctly decided?**

Response: As a judicial nominee, I am generally precluded from commenting on whether any particular Supreme Court decision was decided correctly under Canon 3(A)(6) of Code of Conduct for United States Judges. If confirmed, I would faithfully follow and apply *303 Creative LLC v. Elenis*.

30. **What legal standard would you apply in evaluating whether or not a regulation or statutory provision infringes on Second Amendment rights?**

Response: I would apply the standard used in the case of *New York State Rifle & Pistol Ass'n v. Bruen*, 142 S. Ct. 2111 (2022), in which the Supreme Court in *Bruen* recognized an individual's right to bear arms outside the home for purposes of self-defense. Per *Bruen*, I would analyze whether the government met its burden of showing that a challenged regulation or statutory provision is consistent with our nation's history and tradition. *Id.* at 2126.

31. **Demand Justice is a progressive organization dedicated to “restor[ing] ideological balance and legitimacy to our nation’s courts.”**

a. **Has anyone associated with Demand Justice requested that you provide any services, including but not limited to research, advice, analysis, writing or giving speeches, or appearing at events or on panels?**

Response: No.

b. **Are you currently in contact with anyone associated with Demand Justice? If so, who?**

Response: No.

c. **Have you ever been in contact with anyone associated with Demand Justice? If so, who?**

Response: No.

**32. The Alliance for Justice is a “national association of over 120 organizations, representing a broad array of groups committed to progressive values and the creation of an equitable, just, and free society.”**

- a. Has anyone associated with Alliance for Justice requested that you provide any services, including but not limited to research, advice, analysis, writing or giving speeches, or appearing at events or on panels?**

Response: No.

- b. Are you currently in contact with anyone associated with the Alliance for Justice? If so, who?**

Response: No.

- c. Have you ever been in contact with anyone associated with Demand Justice? If so, who?**

Response: No.

**33. Arabella Advisors is a progressive organization founded “to provide strategic guidance for effective philanthropy” that has evolved into a “mission-driven, Certified B Corporation” to “increase their philanthropic impact.”**

- a. Has anyone associated with Arabella Advisors requested that you provide any services, including but not limited to research, advice, analysis, writing or giving speeches, or appearing at events or on panels?**

Response: No.

- b. Please include in this answer anyone associated with Arabella’s known subsidiaries the Sixteen Thirty Fund, the New Venture Fund, or any other such Arabella dark-money fund.**

Response: No.

- c. Are you currently in contact with anyone associated with Arabella Advisors? Please include in this answer anyone associated with Arabella’s known subsidiaries the Sixteen Thirty Fund, the New Venture Fund, or any other such Arabella dark-money fund that is still shrouded.**

Response: No.

- d. **Have you ever been in contact with anyone associated with Arabella Advisors? Please include in this answer anyone associated with Arabella’s known subsidiaries the Sixteen Thirty Fund, the New Venture Fund, or any other such Arabella dark-money fund that is still shrouded.**

Response: No.

34. **The Open Society Foundations is a progressive organization that “work[s] to build vibrant and inclusive democracies whose governments are accountable to their citizens.”**

- a. **Has anyone associated with Open Society Fund requested that you provide any services, including but not limited to research, advice, analysis, writing or giving speeches, or appearing at events or on panels?**

Response: No.

- b. **Are you currently in contact with anyone associated with the Open Society Foundations?**

Response: No.

- c. **Have you ever been in contact with anyone associated with the Open Society Foundations?**

Response: No.

35. **Fix the Court is a “non-partisan, 501(C)(3) organization that advocates for non-ideological ‘fixes’ that would make the federal courts, and primarily the U.S. Supreme Court, more open and more accountable to the American people.”**

- a. **Has anyone associated with Fix the Court requested that you provide any services, including but not limited to research, advice, analysis, writing or giving speeches, or appearing at events or on panels?**

Response: No.

- b. **Are you currently in contact with anyone associated with Fix the Court? If so, who?**

Response: No.

- c. **Have you ever been in contact with anyone associated with Fix the Court? If so, who?**

Response: No.

- 36. Please describe the selection process that led to your nomination to be a United States District Judge, from beginning to end (including the circumstances that led to your nomination and the interviews in which you participated).**

Response: On August 11, 2023, I submitted an application to Senators Mark Warner and Tim Kaine for a position on the United States District Court for the Western District of Virginia. On September 15, 2023, I interviewed with the Senators' selection committee. On November 7, 2023, I interviewed with Senators Warner and Kaine. On November 15, 2023, Senator Warner's Office advised me that Senators would be recommending my name to the White House for consideration. On November 17, 2023, I interviewed with attorneys from the White House Counsel's Office. Since November 21, 2023, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On January 10, 2024, the President announced his intent to nominate me.

- 37. During your selection process did you talk with any officials from or anyone directly associated with the organization Demand Justice, or did anyone do so on your behalf? If so, what was the nature of those discussions?**

Response: No.

- 38. During your selection process did you talk with any officials from or anyone directly associated with the American Constitution Society, or did anyone do so on your behalf? If so, what was the nature of those discussions?**

Response: No.

- 39. During your selection process, did you talk with any officials from or anyone directly associated with Arabella Advisors, or did anyone do so on your behalf? If so, what was the nature of those discussions? Please include in this answer anyone associated with Arabella's known subsidiaries the Sixteen Thirty Fund, the New Venture Fund, or any other such Arabella dark-money fund that is still shrouded.**

Response: No.

- 40. During your selection process did you talk with any officials from or anyone directly associated with the Open Society Foundations, or did anyone do so on your behalf? If so, what was the nature of those discussions?**

Response: No.

- 41. During your selection process did you talk with any officials from or anyone directly associated with Fix the Court, or did anyone do so on your behalf? If so, what was the nature of those discussions?**

Response: No.

- 42. Since you were first approached about the possibility of being nominated, did anyone associated with the Biden administration or Senate Democrats give you advice about which cases to list on your committee questionnaire?**

Response: No.

- a. **If yes,**
  - i. **Who?**
  - ii. **What advice did they give?**
  - iii. **Did they suggest that you omit or include any particular case or type of case in your questionnaire?**

- 43. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding your nomination.**

Response: See Response to Question 36.

- 44. Please explain, with particularity, the process whereby you answered these questions.**

Response: On February 15, 2024, I received the Questions for the Record from the Office of Legal Policy (OLP) at the Department of Justice. I reviewed the questions and prepared my responses after conducting legal research and reviewing my own records. I submitted my draft answers to OLP. I received and considered limited feedback from OLP then finalized my answers.

**Senate Judiciary Committee  
Nominations Hearing  
February 8, 2024  
Questions for the Record  
Senator Amy Klobuchar**

For Jasmine Yoon, nominee to be U.S. District Judge for the Western District of Virginia

**For 18 years, you served in the U.S. Attorney’s Office for the Eastern District of Virginia, where you prosecuted over 80 financial crime and public corruption cases.**

- **How have these experiences shaped your career and how will they guide your service as a federal district court judge?**

Response: My experience as an Assistant United States Attorney has given me a valuable opportunity to stand up in court and proudly say that I represented the United States of America. Being an advocate for the United States allowed me to serve our country and do justice by doing what I believed to be the right and just work regardless of any personal views I might hold. I also appeared in court regularly, worked extensively with victims, law enforcement partners, witnesses, grand jurors, and petit jurors, and handled complex financial crimes and public corruption matters from the beginning to the end. I also frequently confronted new sets of facts and areas of the law and was constantly challenged to get up to speed quickly in my role as a fraud and corruption prosecutor. While the role of a judge is very different from a role of an Assistant United States Attorney, the approach I took to manage my cases as a prosecutor, to learn new areas of the law, and to approach my cases with the goal of achieving justice for all, will translate well and help guide my work as a federal district court judge.

- **How has your work on these cases informed your view of the legal system?**

Response: Working as a prosecutor helped solidify my belief that our legal system needs zealous advocates on both sides of the courtroom as well as a fair and impartial judge who will patiently listen to the parties’ arguments and faithfully apply the law to the facts of the case. In my practice as a federal prosecutor, I was fortunate to have appeared before many judges who worked tirelessly to uphold the rule of law and protect the rights of everyone who appeared before them. If confirmed, I would apply the same approach and would work hard to be fair and impartial in all cases and also treat everyone with respect and dignity.

**Senator Jon Ossoff**  
**Questions for the Record for Jasmine Yoon**  
**February 8, 2024**

- 1. Will you pledge to faithfully apply the law without bias and without regard for your personal policy or political preferences?**

Response: Yes.

- 2. How will you approach First Amendment cases?**

Response: If confirmed as a United States District Judge, I would approach First Amendment cases the same way I would approach all cases that would come before me. I would thoroughly research, review, and apply the binding precedent of the Supreme Court and the Fourth Circuit relating to the First Amendment.

- a. In your view, why are First Amendment protections of freedom of speech, publication, assembly, and exercise of religion vital in our society?**

Response: The First Amendment rights collectively create an environment where people can express themselves freely, engage in democratic processes, and serve as a check on government power. These protections allow individuals to actively shape their communities, to follow their own beliefs, and to positively influence their governments without fear of reprisal or censorship.

- 3. In your experience, why is it critical that indigent defendants have access to public defense under the Sixth Amendment right to counsel and precedent set in *Gideon v. Wainwright*?**

Response: As a former federal prosecutor, I have seen firsthand the significant difference a competent counsel can make in a case. Ensuring that indigent defendants have access to legal representation helps level the playing field and safeguards the constitutional rights of defendants. It also enhances public confidence in the criminal justice system by bolstering the idea that all people, regardless of financial means, are entitled to a fair and just legal process.

- 4. In your experience, what are the challenges faced by parties in civil or criminal proceedings for whom English is not their first language?**

Response: Individuals for whom English is not their first language face many challenges in navigating our system of justice. Limited English proficiency can lead to communication barriers between parties and their attorneys, court personnel, and even opposing parties. It could also hinder individuals' ability to understand the charges against them, procedures and expectations, and implications of the decisions they make. I



have also seen unfortunate delays in civil and criminal proceedings based on the unavailability of interpreters and lack of translated informational materials.

**a. What do you see as the role of language access in courts in protecting due process rights and ensuring access to justice?**

Response: Full access to interpreters in legal proceedings help provide equal and meaningful access to justice to individuals with limited English proficiency. The use of interpreters helps people's ability to comprehend their rights, the charges against them and available options. Language access services also enable clear communication between attorneys and clients so that the attorneys can provide effective legal representation and the clients can make well-informed decisions.

**Senator Mike Lee**  
**Questions for the Record**  
**Jasmine Hyejung Yoon, Nominee for District Court Judge for the Western District of Virginia**

**1. How would you describe your judicial philosophy?**

Response: Throughout my career, I have had the honor of working for and appearing before federal district court judges who I admired and respected. I would like to follow the examples set by those judges and will approach every case with an open mind, review and listen to the arguments made by the parties with care, conduct thorough research, and then apply the applicable law to the facts of a particular case. I will treat all litigants with unhurried dignity and set aside any personal beliefs I might hold when evaluating and making decisions.

**2. What sources would you consult when deciding a case that turned on the interpretation of a federal statute?**

Response: If there is no binding precedent from the Supreme Court or Fourth Circuit, a district judge in the Fourth Circuit must begin his or her inquiry with the plain language of the statute and does not need to look further if the language at issue is plain and unambiguous with regard to the dispute at issue. *Lee v. Norfolk S. Ry. Co.*, 802 F.3d 626, 631 (4th Cir. 2015). Statutory language is considered ambiguous if it “lends itself to more than one reasonable interpretation.” *Id.* (citing *Newport News Shipbuilding & Dry Dock Co. v. Brown*, 376 F.3d 245, 248 (4th Cir. 2004)). If the statutory language is ambiguous, then a judge can look at the statutory scheme, legislative history, and other contextual aspects to learn more about the congressional intent and meaning underlying the statute. *Mejia v. Sessions*, 866 F.3d 573, 583 (4th Cir. 2017).

**3. What sources would you consult when deciding a case that turned on the interpretation of a constitutional provision?**

Response: The Supreme Court has held that interpretation of constitutional provisions should begin with the text of the Constitution and applied the original public meaning of the text in interpreting a number of constitutional provisions in certain contexts. *See, e.g., New York State Rifle & Pistol Assoc. v. Bruen*, 597 U.S. 1 (2022); *Crawford v. Washington*, 541 U.S. 36 (2004). If confirmed as a district judge, I would faithfully apply Supreme Court and Fourth Circuit precedent.

**4. What role do the text and original meaning of a constitutional provision play when interpreting the Constitution?**

Response: Please see my response to Question 3.

**5. How would you describe your approach to reading statutes? Specifically, how much weight do you give to the plain meaning of the text?**

Response: Please see my response to Question 2.

- 6. Does the “plain meaning” of a statute or constitutional provision refer to the public understanding of the relevant language at the time of enactment, or does the meaning change as social norms and linguistic conventions evolve?**

Response: The “plain meaning” of a statute or constitutional provision refers to the public understanding of the relevant language at the time of enactment. *See, e.g., Bostock v. Clayton Cnty., Ga.*, 140 S. Ct. 1731, 1738 (2020).

- 7. What are the constitutional requirements for standing?**

Response: Under Article III of the Constitution, a plaintiff must present to the federal court a “case or controversy” over which it can exercise federal question or diversity jurisdiction. To demonstrate standing under Article III, a plaintiff must show (1) a concrete and particularized injury in fact; (2) traceability between that injury and the allegedly unlawful action; and (3) redressability by a favorable judicial decision. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560-61 (1992).

- 8. Do you believe Congress has implied powers beyond those enumerated in the Constitution? If so, what are those implied powers?**

Response: Under the Necessary and Proper Clause in Article I, Section 8, of the Constitution, Congress has implied powers beyond those specifically enumerated to carry out its enumerated powers. *McCulloch v. Maryland*, 17 U.S. 316 (1819). For example, Congress has the power to enact criminal laws, *United States v. Fox*, 95 U.S. 670, 672 (1877) and the power to imprison, *United States v. Comstock*, 560 U.S. 126, 129–30, 146 (2010).

- 9. Where Congress enacts a law without reference to a specific Constitutional enumerated power, how would you evaluate the constitutionality of that law?**

Response: The Supreme Court has held that “[t]he question of the constitutionality of action taken by Congress does not depend on recitals of power which it undertakes to exercise.” *Nat’l Fed. Of Ind. Bus. v. Sebelius*, 132 S. Ct. 2566, 2598 (2012). I would consult binding precedent from the Supreme Court and the Fourth Circuit and determine whether Congress has appropriately exercised its enumerated or implied power to evaluate the constitutionality of a law that does not reference a specific constitutional enumerated power.

- 10. Does the Constitution protect rights that are not expressly enumerated in the Constitution? Which rights?**

Response: The Supreme Court reaffirmed in *Dobbs v. Jackson Women’s Health Org.*, 142 S. Ct. 2228 (2022), that there are certain fundamental rights, although not enumerated in the Constitution, that are protected by the Due Process Clause of the Fourteenth Amendment if those rights are “‘deeply rooted in this Nation’s history and

tradition’ and ‘implicit in the concept of ordered liberty.’” *Id.* at 2242 (quoting *Washington v. Glucksberg*, 521 U.S. 702, 721, (1997) (internal quotation marks omitted)). The examples of such rights include the right to marry, to have children, to direct the education and upbringing of one’s children, to marital privacy, to use contraception, and to bodily integrity. *Id.*

**11. What rights are protected under substantive due process?**

Response: Please see my response to Question 10.

**12. If you believe substantive due process protects some personal rights such as a right to contraceptives, but not economic rights such as those at stake in *Lochner v. New York*, on what basis do you distinguish these types of rights for constitutional purposes?**

Response: In *Griswold v. Connecticut*, 381 U.S. 479 (1965), the Supreme Court found that a Connecticut statute that banned the use of contraceptives violated the right of marital privacy protected by substantive due process under the Constitution. On the other hand, the Supreme Court has overturned *Lochner v. New York*, 198 U.S. 45 (1905) in *West Coast Hotel v. Parrish*, 300 U.S. 379 (1937). Thus, *Lochner* is no longer binding precedent. If confirmed, I would follow the Supreme Court and Fourth Circuit precedent concerning substantive due process.

**13. What are the limits on Congress’s power under the Commerce Clause?**

Response: The Supreme Court held that Congress’s power under the Commerce Clause is limited to the following three broad categories of activity to include: (1) the channels of interstate commerce, (2) the instrumentalities of interstate commerce, and (3) any activity that substantially affects interstate commerce. *Gonzales v. Raich*, U.S. 1, 16-17 (2005).

**14. What qualifies a particular group as a “suspect class,” such that laws affecting that group must survive strict scrutiny?**

Response: The Supreme Court has held that race, religion, national origin, and alienage qualify as suspect classes that would trigger strict scrutiny. *See Graham v. Richardson*, 403 U.S. 365, 371-72 (1971).

**15. How would you describe the role that checks and balances and separation of powers play in the Constitution’s structure?**

Response: Articles I, II, and III of the United States Constitution establish the powers of the legislative, executive, and judicial branches. The checks and balances and separation of powers prevent concentration of power in any one branch of the government and ensure that each branch stays faithful to its own powers and responsibilities. *See Seila Law v. CFPB*, 140 S. Ct. 2183, 2202 (2020) (“The Framers recognized that, in the long term, structural protections against abuse of power were

critical to preserving liberty. Their solution to governmental power and its perils was simple: divide it.”) (internal quotation and citation omitted).

**16. How would you go about deciding a case in which one branch assumed an authority not granted it by the text of the Constitution?**

Response: I would consider the Constitutional text as well as applicable Supreme Court and Fourth Circuit precedent to determine whether one branch has exercised authority not granted by the Constitution. *See e.g., Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (discussing the separation of powers among the three branches) and *Marbury v. Madison*, 5 U.S. 137 (1803) (establishing power of judicial review).

**17. What role should empathy play in a judge’s consideration of a case?**

Response: A judge should treat all parties with respect and fairness. However, a judge’s consideration of a case should only be guided by the facts and the applicable law of the case, not based on personal views or feelings.

**18. Which is worse; invalidating a law that is, in fact, constitutional, or upholding a law that is, in fact, unconstitutional?**

Response: Both circumstances are improper and undesirable.

**19. From 1789 to 1857, the Supreme Court exercised its power of judicial review to strike down federal statutes as unconstitutional only twice. Since then, the invalidation of federal statutes by the Supreme Court has become significantly more common. What do you believe accounts for this change? What are the downsides to the aggressive exercise of judicial review? What are the downsides to judicial passivity?**

Response: I have not studied the trends of Supreme Court decisions to opine why the Supreme Court struck down more federal statutes since 1857 than prior to the date. Generally, the aggressive exercise of judicial review could result in encroachment upon the policy making role of the legislative branch, without direct accountability to the voters while judicial passivity could result in unconstitutional measures violating individual liberties.

**20. How would you explain the difference between judicial review and judicial supremacy?**

Response: “Judicial review” is the judicial branch’s “power to review the actions of other branches or levels of government; especially, the courts’ power to invalidate legislative and executive actions as being unconstitutional.” Black’s Law Dictionary (11th ed. 2019). “Judicial supremacy” is a “doctrine that interpretations of the Constitution by the federal judiciary in the exercise of judicial review, especially U.S. Supreme Court interpretations, are binding on the coordinate branches of the federal government and the states.” *Id.*

21. **Abraham Lincoln explained his refusal to honor the Dred Scott decision by asserting that “If the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court . . . the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal.” How do you think elected officials should balance their independent obligation to follow the Constitution with the need to respect duly rendered judicial decisions?**

Response: Under Article VI of the Constitution, all elected officials must be bound by oath or affirmation to support the Constitution. U.S. Const. art. VI. cl. 3. “It is emphatically the province and duty of the judicial department to say what the law is. The federal judiciary is supreme in the exposition of the law of the Constitution.” *Cooper v. Aaron*, 358 U.S. 1, 4 (1958). Accordingly, elected officials should respect and follow the decisions of the Supreme Court interpreting the Constitution. *Id.* at 18. The elected officials may also propose changes to the Constitution through the amendment process in Article V.

22. **In Federalist 78, Hamilton says that the courts are the least dangerous branch because they have neither force nor will, but only judgment. Explain why that’s important to keep in mind when judging.**

Response: This statement reinforces the limited role of a judge to simply interpret the law and apply the facts of each case to the applicable law. The role of a judge is not offering advisory opinions or making policy. This is important to keep in mind to preserve judicial integrity and enhance public’s confidence in our court system.

23. **As a federal judge, you would be bound by both Supreme Court precedent and prior circuit court precedent. What is the duty of a federal judge when confronted with a case where the precedent in question does not seem to be rooted in constitutional text, history, or tradition and also does not appear to speak directly to the issue at hand? In applying a precedent that has questionable constitutional underpinnings, should a federal judge extend the precedent to cover new cases, or limit its application where appropriate and reasonably possible?**

Response: If confirmed, I would be duty-bound to follow and apply binding precedent of the Supreme Court and Fourth Circuit and only decide issues before me. It is not the role of a district court to overturn precedent.

24. **When sentencing an individual defendant in a criminal case, what role, if any, should the defendant’s group identity(ies) (e.g., race, gender, nationality, sexual orientation or gender identity) play in the judges’ sentencing analysis?**

Response: None. Although district court judges are required to consider, in part, the “nature and circumstances of the offense and the history and characteristics of the

defendant” under 18 U.S.C. § 3553(a)(1), a defendant’s “race, sex, national origin, creed, religion, and socio-economic status” are characteristics that “are not relevant in the determination of a sentence.” U.S.S.G. § 5H1.10 (2023).

- 25. The Biden Administration has defined “equity” as: “the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.” Do you agree with that definition? If not, how would you define equity?**

Response: I am not familiar with the quoted statement or the context in which the statement was made. “Equity” is defined in Black’s Law Dictionary as “[f]airness; impartiality; evenhanded dealings.” Blacks Law Dictionary (11th ed. 2019). I do not have a personal definition of the word. If a case involving the definition of “equity” were to come before me, I would fully and faithfully apply any applicable Supreme Court and Fourth Circuit precedent.

- 26. Without citing Black’s Law Dictionary, do you believe there is a difference between “equity” and “equality?” If so, what is it?**

Response: According to Merriam-Webster dictionary, one definition of “equity” is “justice according to natural law or right; specifically: freedom from bias or favoritism” and one definition of “equality” is “the quality or state of being equal.” Merriam-Webster Dictionary (2022). If a case involving the distinction between “equity” and “equality” were to come before me, I would fully and faithfully apply any applicable Supreme Court and Fourth Circuit precedent.

- 27. Does the 14<sup>th</sup> Amendment’s equal protection clause guarantee “equity” as defined by the Biden Administration (listed above in question 25)?**

Response: The Equal Protection Clause of the Fourteenth Amendment provides that “[n]o State shall . . . deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV. I am not aware of any Supreme Court or Fourth Circuit precedent addressing whether the Equal Protection Clause of the Fourteenth Amendment guarantees “equity” as defined by the Biden Administration in question 25.

- 28. Without citing Black’s Law Dictionary, how do you define “systemic racism?”**

Response: I do not have a personal definition of this phrase. According to Merriam-Webster dictionary, “systemic racism” is defined as “the oppression of a racial group to the advantage of another as perpetuated by inequity within interconnected systems

(such as political, economic, and social systems).” Merriam-Webster Dictionary (2022).

**29. Without citing Black’s Law Dictionary, how do you define “critical race theory?”**

Response: I do not have a personal definition of this phrase. According to Merriam-Webster dictionary, “critical race theory” is defined as “a group of concepts (such as the idea that race ... is a sociological rather than biological designation, and that racism ... pervades society and is fostered and perpetuated by the legal system) used for examining the relationship between race and the laws and legal institutions of a country and especially the United States.” Merriam-Webster Dictionary (2022).

**30. Do you distinguish “critical race theory” from “systemic racism,” and if so, how?**

Response: Please see my responses to Questions 28 and 29.



**Senator John Kennedy  
Questions for the Record**

**Jasmine Yoon**

- 1. Are there any circumstances under which it is justifiable to sentence a criminal defendant to death? Please explain.**

Response: Yes. The United States Supreme Court held that the death penalty was constitutional under the Eighth Amendment in *Gregg v. Georgia*, 428 U.S. 153 (1976). Title 18 United States Code Sections 3591-93 lay out the types of offenses that are punishable by death and the procedures that need to be followed for imposition of the death penalty in a federal court. 18 U.S.C. §§ 3591-93.

- 2. Should a judge's opinions on the morality of the death penalty factor into the judge's decision to sentence a criminal defendant to death in accordance with the laws prescribed by Congress and the Eighth Amendment?**

Response: No.

- 3. Is the U.S. Supreme Court a legitimate institution?**

Response: Yes.

- 4. Is the current composition of the U.S. Supreme Court legitimate?**

Response: Yes.

- 5. Please describe your judicial philosophy. Be as specific as possible.**

Response: Throughout my career, I have had the honor of working for and appearing before federal district court judges who I admired and respected. I would like to follow the examples set by those judges and will approach every case with an open mind, review and listen to the arguments made by the parties with care, conduct thorough research, and then apply the applicable law to the facts of a particular case. I will treat all litigants with unhurried dignity and set aside my personal beliefs when evaluating and making decisions.

- 6. Is originalism a legitimate method of constitutional interpretation?**

Response: Yes. The Supreme Court has held that interpretation of constitutional provisions should begin with the text of the Constitution and applied the original public meaning of the text in interpreting a number of constitutional provisions in certain contexts. *See, e.g., New York State Rifle & Pistol Assoc. v. Bruen*, 597 U.S. 1 (2022);

*Crawford v. Washington*, 541 U.S. 36 (2004). If confirmed as a district judge, I would faithfully apply Supreme Court and Fourth Circuit precedent.

**7. If called on to resolve a constitutional question of first impression with no applicable precedents from either the U.S. Supreme Court or the U.S. Courts of Appeals, to what sources of law would you look for guidance?**

Response: I would review the text of the Constitutional provision at issue and follow the interpretive methods set out by the Supreme Court and Fourth Circuit in interpreting the text of the applicable constitutional provision. If such precedents hold that the original public meaning of the text should be used to resolve a constitutional question, I would resolve the question by using that approach. *See, e.g., District of Columbia v. Heller*, 554 U.S. 570 (2008).

**8. Is textualism a legitimate method of statutory interpretation?**

Response: Yes. The Supreme Court has used the ordinary plain meaning of the text in interpreting a term in the statute. *See, e.g., Bostock v. Clayton County*, 140 S. Ct. 1731 (2020).

**9. When is it appropriate for a judge to look beyond textual sources when determining the meaning of a statute or provision?**

Response: A judge must begin his or her inquiry with the plain language of the statute and does not need to look further if the language at issue is plain and unambiguous with regard to the dispute at issue. *Lee v. Norfolk S. Ry. Co.*, 802 F.3d 626, 631 (4th Cir. 2015). Statutory language is considered ambiguous if it “lends itself to more than one reasonable interpretation.” *Id.* (citing *Newport News Shipbuilding & Dry Dock Co. v. Brown*, 376 F.3d 245, 248 (4th Cir. 2004)). If the statutory language is ambiguous, then a judge can look at the statutory scheme, legislative history, and other contextual aspects to learn more about the congressional intent and meaning underlying the statute. *Mejia v. Sessions*, 866 F.3d 573, 583 (4th Cir. 2017).

**10. Does the meaning (rather than the applications) of the U.S. Constitution change over time? If yes, please explain the circumstances under which the U.S. Constitution’s meaning changes over time and the relevant constitutional provisions.**

Response: The Constitution has an enduring and fixed quality and its meaning does not change over time. *See Bruen*, 597 U.S. at 17.

**11. Please describe the legal rule employed in *Rivas-Villegas v. Cortesluna*, 595 U.S. 1 (2021), and explain why the U.S. Supreme Court sided with the Petitioner.**

Response: *Rivas-Villegas v. Cortesluna*, 595 U.S. 1 (2021) involved the application of qualified immunity in a section 1983 case. The Supreme Court found that the petitioner-officer’s conduct did not violate a clearly established statutory or constitutional right

because Cortesluna and the Ninth Circuit failed to “identify a case that put Rivas-Villegas on notice that his specific conduct was unlawful.” *Id.* at 6. The Court explained that “[a] right is clearly established when it is ‘sufficiently clear that every reasonable official would have understood that what he is doing violates that right’ and that the inquiry must consider the specific context of the case, as opposed to a broad general proposition.” *Id.* at 5-6 (internal quotations and citations omitted). In essence, *Rivas-Villegas* was entitled to qualified immunity as the existing precedent did not give him fair notice that his action constituted excessive force in violation of the Fourth Amendment as the precedent cited by Cortesluna was not sufficiently similar to the facts of this particular case.

**12. When is it appropriate for a district judge to issue a nationwide injunction? Please also explain the legal basis for issuing nationwide injunctions and the relevant factors a district judge should consider before issuing one.**

Response: Federal Rule of Civil Procedure 65 governs the procedures for issuing injunctive relief by federal courts. The Fourth Circuit held that a nationwide injunction may be appropriate so long as the court “mold[s] its decree to meet the exigencies of the particular case” and the government’s action relies on a “categorical policy.” *HIAS, Inc. v. Trump*, 985 F.3d 309, 326 (4th Cir. 2021) (citations and internal quotation marks omitted). However, the constitutionality of nationwide injunctions has not been tested or reviewed by the Supreme Court or Fourth Circuit. *See, e.g., Trump v. Hawaii*, 138 S. Ct. 2392, 2425 (2018) (internal citation omitted).

**13. Is there ever a circumstance in which a district judge may seek to circumvent a published precedent of the U.S. Court of Appeals under which it sits or the U.S. Supreme Court?**

Response: No.

**14. Will you faithfully apply all precedents of the U.S. Supreme Court and the U.S. Court of Appeals for the Fourth Circuit?**

Response: Yes.

**15. If confirmed, please describe what role U.S. Supreme Court dicta would play in your decisions.**

Response: Dicta is not legally binding. If confirmed, I will faithfully follow the binding precedent of the Supreme Court and Fourth Circuit.

**16. When reviewing applications from persons seeking to serve as a law clerk in your chambers, what role if any would the race, sex, or religion of the applicants play in your consideration?**

Response: I would not consider race, sex, or religion of the applicants in making a hiring decision. Rather, I would consider the applicants' qualifications based on their accomplishments and experiences as individuals.

### **17. Why should Senator Kennedy support your nomination?**

Response: I applied to be a federal district court judge to realize my dream of paying forward the life-changing opportunities I received throughout my lifetime and helping others who have faced life-altering challenges in their own lives. I hope to build deep trust and confidence in our judicial system by providing every litigant a fair and equal opportunity when they appear in court no matter their background or circumstances.

I bring with me a diverse legal background that covers civil and criminal law as well as in-house compliance with a focus and emphasis on federal cases. In the early days of my career, I was in private practice and gained civil litigation experience and actively worked on pro bono cases. I also worked as a law clerk on the federal district court and have deep familiarity with federal district courts in Virginia. As an Assistant United States Attorney in the Eastern District of Virginia, I fought financial crimes and public corruption, appearing before judges and juries with a commitment to serve our country and to obtain justice for crime victims. In this role, I represented the United States of America in over 80 cases from conducting grand jury investigations to post-trial proceedings.

My public service continued when I served in the general counsel's office at the University of Virginia as an associate general counsel then eventually leading the Office as their interim University Counsel. In this role, I provided legal advice to the University's leadership including the Rector and Visitors on the broadly sweeping aspects of student life. I oversaw and managed the team of attorneys and support staff. I am proud of my service to the University and the Commonwealth and to have contributed to the mission of providing the best education to the future citizen-leaders of the world at the University.

I currently work at Capital One Financial Corporation, a federally regulated financial institution, as their Vice President over Corporate Integrity, Ethics and Investigations. For an organization of over 55,000 employees, I oversee all internal investigations into allegations of fraud, insider abuse, and business misconduct, and manage Capital One's anti-corruption and anti-bribery compliance program to ensure the company's compliance with the U.S. Foreign Corrupt Practices Act (FCPA) and other laws. I am also responsible for the administration of the company's Code of Conduct, Ethics Office, enterprise ethics program, and conflicts of interest resolution.

In addition to my diverse legal background, I bring my unwavering commitment to excellence and my sincere desire to give back to my community. That community is the Western District of Virginia. I have lived the majority of my American life in the Western District of Virginia. Charlottesville is where I met my husband, where we later decided to raise our two daughters, and where I worked to serve the people of the

Commonwealth. If I were given the opportunity, as I have throughout my entire career, I will work hard to ensure that everyone involved in the legal matters before me feels heard and respected in the Western District of Virginia.