

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES**

**PUBLIC**

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

**Christopher Henry Schroeder**

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

**Assistant Attorney General, Office of Legal Counsel, Department of Justice**

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

**Office:**

**Office of Legal Counsel,  
United States Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington, D.C. 2006**

**Residence:**

**114 Spring Blossom Lane  
Durham, NC 27705**

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

**1948; Springfield, Ohio**

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.

**University of California, Berkeley, School of Law, 9/1971 to 6/1974  
JD degree received 6/1974**

**Yale Divinity School, 9/1968 to 6/1971  
MDiv degree received 6/1971**

**Princeton University, 9/1964 to 6/1968  
BA degree received 6/1968**

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.

**April 2021 - present**  
**Deputy Assistant Attorney General**  
**Office of Legal Counsel**  
**United States Department of Justice**  
**950 Pennsylvania Ave., N.W.**  
**Washington, D.C. 20530**

**January 2021 – April 2021**  
**Principal Deputy Assistant Attorney General (and Acting AAG)**  
**Office of Legal Counsel**  
**United States Department of Justice**  
**950 Pennsylvania Ave., N.W.**  
**Washington, D.C. 20530**

**September 2020 – January 2021**  
**Lead, Department of Justice Agency Review Team**  
**Biden-Harris Transition**  
**1200 Pennsylvania Ave NW #399, Washington, DC 20044**

**July 1979 – July 2020**  
**Professor of Law**  
**Professor of Public Policy Studies**  
**Director, Program in Public Law at Duke Law School**  
**Duke University School of Law**  
**210 Science Drive**  
**Durham, NC 27708-0360**  
**(periods of unpaid leave when working at the Department of Justice and the Senate Judiciary Committee)**  
**In July 2020, I took emeritus status at the Law School**

**June 2010 – December 2012**  
**Assistant Attorney General, Office of Legal Policy**  
**United States Department of Justice**  
**950 Pennsylvania Avenue, NW**  
**Washington, DC 20530**

**August 2005 – April 2009**  
**Of Counsel**  
**O'Melveny & Myers**

**1625 Eye Street, Washington DC 20005**

**February 2002 – June 2008**  
**Vice President Center for Progressive Reform**  
**455 Massachusetts Ave., NW #150-513**  
**Washington, DC 20001**

**January 2002 – August 2005**  
**Consultant**  
**O'Melveny & Myers**  
**1625 Eye Street, Washington DC 20005**

**January 1999 – February 1999**  
**Impeachment Trial Counsel**  
**Senator Joseph R. Biden, Jr., Impeachment Trial Counsel**  
**221 Russell Senate Office Building**  
**Washington, DC 20510**

**April 1995 – January 1997**  
**Deputy Assistant Attorney General**  
**Office of Legal Counsel**  
**United States Department of Justice**  
**950 Pennsylvania Avenue, NW**  
**Washington, DC 20530**

**April 1993 – January 1994**  
**Counselor to the Assistant Attorney General**  
**Office of Legal Counsel**  
**United States Department of Justice**  
**950 Pennsylvania Avenue, NW**  
**Washington, DC 20530**

**July 1992 – February 1993**  
**Chief Counsel**  
**United States Senate Committee on the Judiciary**  
**224 Dirksen Senate Office Building**  
**Washington, DC 20510**

**July 1987 – January 1988**  
**February 1989 – June 1990**  
**July 1991 – October 1991**  
**Special Nominations Counsel**  
**United States Senate Committee on the Judiciary**  
**224 Dirksen Senate Office Building**  
**Washington, DC 20510**

**June 1977 – June 1979**

**Partner**

**Armour, Schroeder, St. John Wilcox and Goodin  
505 Sansome Street, San Francisco, CA 94111**

**June 1976 – June 1977**

**Research Assistant**

**Earl Warren Legal Institute, University of California, Berkeley  
415 Boalt Hall, Berkeley, CA 94720**

**June 1974 – June 1976**

**Associate**

**McCutchen, Doyle, Brown and Enersen  
Three Embarcadero Center, San Francisco, CA 94111**

**June 1973 – September 1973**

**Summer Associate**

**McCutchen, Doyle, Brown and Enersen  
Three Embarcadero Center, San Francisco, CA 94111**

**June 1972 – September 1972**

**Research Assistant**

**Professor John Hetland  
University of California, Berkeley  
467 Boalt Hall, Berkeley, CA 94720**

**June 1970 – September 1970**

**Research Associate**

**New York City Bureau of the Budget  
1 Centre Street, NY, NY 10007**

**June 1969 – September 1969**

**Summer Intern**

**Dwight Hall  
Yale University  
67 High Street, New Haven, CT 06511**

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 registered for selective service. I did not serve.**

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.

**Rockefeller Fellowship, 1969-1971**  
**Member, American Law Institute, 2018-**

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.

**California Bar Association**  
**American Bar Association**  
**District of Columbia Bar Association**

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.

**California Bar, December 18, 1974**

**United States Supreme Court Bar, August 10, 2000**

**United States Court of Appeals for the D.C. Circuit, February 7, 2003**

**District of Columbia Bar, September 15, 2006**

**No lapses in membership.**

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

**Supreme Court of the United States, August 2000**

**United States Court of Appeals for the Ninth Circuit, July 1975**

**United States Court of Appeals for the District of Columbia Circuit, February 2003**

**United States District Court, Northern District of California, January 1975**

**District of Columbia Courts, September 2006**

**California State Courts, December 1974**

**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.

**American Law Institute 2018 –**

**Privacy and Civil Liberties Advisory Panel, National Security Agency Advisory Board 2013 to 2020**

**Center for Progressive Reform 2002 – 2009**

**Founding Vice-president February 2002 - July 2008**

**American Constitution Society, co-chair of Separation of Powers and Federalism issue group, September 2002 - 2008**

**National Research Council of the National Academies, Committee on the Use of Third Party Toxicity Research with Human Research Participants, member 2003 - 2004**

**Institute of Medicine, National Academies, Committee on the Assessment of the U.S. Drug Safety System, 2005 - 2007**

**Sierra Club (in the 1990s. I have no records showing dates)**

**Natural Resources Defense Council (in the 1990s. I have no records showing dates)**

**YMCA, 1993 -**

**Pilgrim United Church of Christ September 1979 -**

**Park Boulevard Presbyterian Church June 1975 to June 1979**

- b. 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.

**None of the above organizations currently discriminates or has formerly discriminated on the basis of race, sex, religion or national origin.**

**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.

**I have done my best to identify all books, articles, letters to the editor, editorial pieces and other published material, including through a review of my personal files and searches of publicly available electronic databases. I previously**

**completed a Senate Judiciary Committee questionnaire in conjunction with my 2009 nomination to be Assistant Attorney General for the Office of Legal Policy, and I have endeavored to produce the materials I submitted then again here. Despite my searches, some of those materials are no longer in my possession, and there may be other materials that I have been unable to identify, find, or remember. A list of the materials I have located is attached as Attachment A.**

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

**I have done my best to identify all items called for in this question, including a thorough review of my personal files and searches of publicly available electronic databases. I previously completed a Senate Judiciary Committee questionnaire in conjunction with my 2009 nomination to be Assistant Attorney General for the Office of Legal Policy, and I have endeavored to produce the materials I submitted then again here. Despite my searches, some of those materials are no longer in my possession, and there may be other materials that I have been unable to identify, find, or remember. A list of the materials I have located is attached as Attachment B.**

- 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.

**I have done my best to identify all items called for in this question, including a thorough review of my personal files and searches of publicly available electronic databases. I previously completed a Senate Judiciary Committee questionnaire in conjunction with my 2009 nomination to be Assistant Attorney General for the Office of Legal Policy, and I have endeavored to produce the materials I submitted then again here. Despite my searches, some of those materials are no longer in my possession, and there may be other materials that I have been unable to identify, find, or remember. A list of the materials I have located is attached as Attachment C.**

- 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.

**I have done my best to identify all items called for in this question, including a thorough review of my personal files and searches of publicly available electronic databases. I previously completed a Senate Judiciary Committee questionnaire in conjunction with my 2009 nomination to be Assistant Attorney General for the Office of Legal Policy, and I have endeavored to produce the materials I submitted then again here. Despite my searches, some of those materials are no longer in my possession, and there may be other materials that I have been unable to identify, find, or remember. A list of the materials I have located is attached as Attachment D.**

- 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.

**I have done my best to identify all items called for in this question, including a thorough review of my personal files and searches of publicly available electronic databases. I previously completed a Senate Judiciary Committee questionnaire in conjunction with my 2009 nomination to be Assistant Attorney General for the Office of Legal Policy, and I have endeavored to produce the materials I submitted then again here. Despite my searches, some of those materials are no longer in my possession, and there may be other materials that I have been unable to identify, find, or remember. A list of the materials I have located is attached as Attachment E.**

13. **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 been a candidate for public office, though as listed in my response to Q6, I have held various positions in the executive and legislative branches. I have never been unsuccessfully nominated for appointed office.**

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



**None.**

14. **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 have not clerked for a judge.**

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

**I have not practiced law alone.**

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

**Duke University, Professor of Law (July 1979 to July 2020) and Professor of Public Policy Studies (1999 to July 2020) and Director, Program in Public Law at Duke Law School (2000 to 2015)**  
**Duke University School of Law**  
**210 Science Drive**  
**Durham, NC 27708-0360**

**O'Melveny & Myers, of Counsel (August 2005 to present)**  
**1625 Eye Street, Washington DC 20005**

**O'Melveny & Myers, consultant (Jan 2002 to August 2005)**  
**1625 Eye Street, Washington DC 20005**

**Center for Progressive Reform, Vice President February 2002 - June 2008**  
**455 Massachusetts Ave., NW #150-513**  
**Washington, DC 20001**

**United States Department of Justice, Counselor to the Assistant Attorney General, Office of Legal Counsel (April 1993 to January 1994)**  
**950 Pennsylvania Avenue, NW**  
**Washington, DC 20530**

**United States Department of Justice, Deputy Assistant Attorney General (April 1995 to January 1997)**  
**950 Pennsylvania Avenue, NW**  
**Washington, DC 20530**

**Senator Joseph R. Biden, Jr., Impeachment Trial Counsel January 1999 - February 1999)**

**221 Russell Senate Office Building  
Washington, DC 20510**

**United States Senate Judiciary Committee, Chief Counsel (July 1992 - February 1993) 224 Dirksen Senate Office Building**

**Washington, DC 20510**

**United States Senate Judiciary Committee, Special Nominations Counsel (July 1987- January 1988; February 1988 - June 1990; July 1991 - October 1991)**

**224 Dirksen Senate Office Building  
Washington, DC 20510**

**Armour, Schroeder, St. John Wilcox and Goodin, Partner (June 1977- June 1979)  
505 Sansome Street, San Francisco, CA 94111**

**Earl Warren Legal Institute, University of California, Berkeley, research associate  
(June 1976- June 1977)**

**415 Boalt Hall, Berkeley, CA 94720**

**McCutchen, Doyle, Brown and Enersen, associate (June 1974 - June 1976)  
Three Embarcadero Center, San Francisco, CA 94111**

**McCutchen, Doyle, Brown and Enersen, summer associate ( summer 1973)  
Three Embarcadero Center, San Francisco, CA 94111**

**Research Assistant to Professor John Hetland, University of California, Berkeley  
(summer 1972)**

**467 Boalt Hall, Berkeley, CA 94720**

**New York City Bureau of the Budget, research associate (summer 1970)**

**1 Centre Street, NY, NY 10007**

**Dwight Hall, Yale University, summer intern (summer 1969)**

**67 High Street, New Haven, CT 06511**

- 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.

**None.**

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

**Between 1974 and 1979, I practiced law in San Francisco. Initially I was an associate with the firm of McCutchen, Doyle, Brown and Enersen. I was associated with the general federal and state litigation group. Assignments included work on a consumer class action case brought against Chevron Corporation for alleged defects in one line of gasoline sold in California; work on several employment discrimination actions; work on appellate briefs in several land use cases in the Lake Tahoe area.**

**After two years at McCutchen, I started a small firm with four colleagues. For the next two years most of my time consisted of two types of work. Our firm represented the receiver in bankruptcy of a real estate investment trust and involved efforts to recoup assets for the trust, which had been the general partner in a number of limited real estate partnerships in California and neighboring states. I also assisted the Environmental Defense Fund (EDF) in intervening in rate cases of California public utilities before the California Public Utility Commission (PUC). The nature of EDF's intervention was to encourage the PUC to require the utilities to investigate opportunities for saving energy through conservation measures and for investing in renewable resources as alternatives to approvals of new coal-fired power plant capacity.**

**Between 1979 and the present, I have been a law professor at Duke Law School, a position that I continue to hold. While I worked as a law professor during this period, I did not practice law, except for my part time association with O'Melveny and Myers and writing several amicus curiae briefs for the Clean Air Trust, described in my answer to Q16. In the 1990s, I took several leaves of absence to work in the Office of Legal Counsel of the Department of Justice. In that capacity I provided legal advice to the President, the White House and other agencies and departments of government on a wide variety of legal subjects. In the 1980s and 1990s, I also took leaves of absence from the law school to work on the United States Senate Judiciary Committee and as impeachment trial counsel for Senator Joe Biden.**

**In 2002, I was a consultant to the firm of O'Melveny and Myers in Washington D.C. From 2005 - 2009, I have held an of counsel position with O'Melveny and Myers in Washington DC. I averaged approximately a day a week in this relationship. I was affiliated with the appellate practice group. I provided advice and legal analysis to Bank of America on a patent reform amendment, to ExxonMobil on litigation filed against the company in federal district court in the District of Columbia involving its affiliate in Indonesia,**

**to Morgan Stanley in perfecting an appeal to the United States Supreme Court from a lawsuit challenging the legality of long-term energy contracts.**

**In 2010, I returned to the Department of Justice as the Assistant Attorney General for the Office of Legal Policy. In that capacity, I had overall responsibility for overseeing the professional evaluation of potential Presidential nomination for the federal bench. I also supervised a number of policy planning processes for the Attorney General, was charged with evaluating existing statutes and regulations and, where appropriate, recommending possible revisions.**

**After leaving the Department of Justice, from 2013 to 2021, I was not involved in law practice. In 2021, I returned to the Department in the Office of Legal Counsel, once again helping provide legal advice to the President, the White House, the Attorney General, other components of the Department of Justice, and to other departments and agencies of the federal government.**

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

**1974 to 1979:**

**General federal litigation, including class action defense, employment discrimination defense, land use and real estate litigation and public utility commission representation**

**Chevron Corporation**

**California Cannery and Growers**

**National Real Estate Fund**

**Environmental Defense Fund**

**1979 to 2002:**

**Administrative law, constitutional law, Clean Air Act administrative proceedings and representation**

**The Government of the United States of America**

**The Clean Air Trust**

**2002 to 2009:**

**General federal litigation, including alien tort claims act and related tort defense**

**Exxon Mobil**

**Bank of America**

**2010 – 2012; 2021**

**The Government of the United States of America**

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.

i. Indicate the percentage of your practice in:

1. federal courts;
2. state courts of record;
3. other courts;
4. administrative agencies

**1974 - 1979: I appeared in court infrequently during this period.**

Federal courts	65%
State courts of record	30%
Other courts	0%
Administrative Agencies	5%

**1979-2005: I never appeared in court during this period.**

Federal courts	95%
Administrative Agencies	5%

**2005 – present: I never appeared in court during this period.**

Federal courts	100%
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**During the periods in which I have practiced law my practice has concentrated on litigation. I have not appeared in court on behalf of a client since 1979. During my time as a professor of law, I have filed comments in rulemakings by the Environmental Protection Agency on behalf of the Clean Air Trust, but have not appeared before any administrative agency.**

ii. Indicate the percentage of your practice in:

1. civil proceedings;
2. criminal proceedings.

**Civil proceedings: 100%**

**Criminal proceedings: 0%**

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.

**None.**

i. What percentage of these trials were:

1. jury;
2. non-jury.

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

**I have authored one amicus brief, representing the Clean Air Trust in *Whitman v. American Trucking Association*, 531 U.S. 457 (2001).**

**I participated in writing a petition for certiorari on behalf of Exxon Mobil in *Exxon Mobil Corp v. John Doe*, 07-81 (2007).**

15. **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.

**None.**

16. **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.)

**During the 1980s and early 1990s, I worked for the Senate Judiciary Committee in several different capacities, including as its chief counsel. In that position I was responsible for supervising the staff that worked on the Committee's full legislative agenda as well as its nominations work. After these experiences, I had the privilege of working for the Office of Legal Counsel in the Department of Justice, including a period in which I was the acting AAG for the office. Here I worked on a wide variety issues of constitutional law and statutory interpretation, advising both the President and other departments and agencies in the executive branch.**

**From 1999 to 2005 I provided legal advice on various occasions for the Clean Air Trust, a nonprofit organization devoted to supporting full implementation of the Clean Air Act. In that capacity, I wrote an amicus brief to the United States Supreme Court in the case of *Whitman v. American Trucking Association* (2001). The brief focused on the issue of how best to interpret the provision of the Clean Air Act requiring the Environmental Protection Agency to set air quality standards at a level “requisite to protect the public health.” In a unanimous opinion, the Supreme Court adopted the interpretation advanced in the amicus brief.**

**I also prepared on behalf of the Clean Air Trust a submission to the EPA in a rulemaking proceeding in which the EPA was proposing to revise rules governing the approval of new sources of air pollution. I also wrote and filed on the behalf of the Clean Air Trust an amicus brief to the federal Circuit Court of Appeals for the District of Columbia Circuit in support of a challenge brought against the final rule issued by the EPA.**

**From 2002 – 2009 I was associated on a part time basis with the law firm of O’Melveny and Myers, first as a consultant and later in an of counsel relationship. I was affiliated with their appellate practice and in that capacity I have provided legal advice in a number of matters involving clients of the firm. The two most substantial matters upon which I have worked are:**

- 1. O’Melveny provided advice to Exxon Mobil with regard to litigation pending in the federal district court in the District of Columbia. I have provided legal advice concerning jurisdictional and choice of law issues in that litigation.**
- 2. O’Melveny provided legal advice to Bank of America with respect to a possible amendment to the Patent Reform Act pending in the last Congress. The advice concerned the constitutionality of the proposed amendment as well as whether the amendment would expose the United States Treasury to potential liability. In addition to preparing memoranda memorializing this analysis, I attended a meeting with Senator Leahy to discuss the amendment, a meeting with Senator Leahy’s staff and a meeting with the staff of the Congressional Budget Office. In all cases, the purpose of my attendance was to discuss the constitutional issues and any other legal issues raised by the proposed amendment, should they arise.**

**The preceding paragraphs describe legal activities I have undertaken while on leaves of absence from my main career as a professor of law, or, in the case of my association with O’Melveny, as an adjunct to my work at my law school. When not engaged in the above pursuits, by far my most significant legal activities involve my law teaching and legal scholarship. In addition, I have worked on a variety of legal policy matters related to environmental law, one of my main fields of research and writing. I have served on two expert panels of the National Academies, one advising the EPA on how to regulate its use of experimental data developed from studies that intentional dose human beings with a toxic substance, the other advising the FDA on means to improve its regulation**

of drug safety. This second report played a constructive role in the Congress's most recent consideration of revisions to FDA's enabling legislation.

My government service with the Department of Justice is summarized in responses to Question 14(b), above.

17. **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 taught Environmental Law at Columbia in spring, 2008. I taught Property and Environmental Law at UCLA in 1986-1987. I have taught the following courses at Duke University:**

**Environmental Law 1979 to present**

**Major topics: the History of Environmental Regulation, the Clean Air and Water Acts, Superfund and the Regulation of Toxic Substances**

**Constitutional Law, 1997 to present**

**Major topics: Separation of Powers, the Commerce Clause, Justiciability, Procedural Due Process and Equal Protection**

**Comparative Constitutional Law, 2002-2003**

**Major topics: Separation of Powers and Due Process.**

**Administrative Law, 1993-1998**

**Major topics: The Administrative Procedure Act, Justiciability**

**Congress (cross-registered with Public Policy) 1993 to present**

**Major topics: The legislative process, media coverage of the Congress, the role of staff, leadership, and the president in a legislator's decision making; the electoral connection, constituency service.**

**Toxic Substances Regulation 1988**

**Major topics: Common law approaches to toxics litigation; the Toxic Substances Control Act, the Resource Conservation and Recovery Act, the Superfund statute.**

**Property, 1990-1999**

**Estates in land, the Rule Against Perpetuities; Recording statutes; Covenants and Easements; Landlord/tenant.**

**Civil Procedure, 1979-1990**

**The Federal Rules of Civil Procedure, personal jurisdiction.**

**I have searched my files for syllabi and have included copies of those that I have found.**

18. **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.



**I anticipate receiving approximately three thousand dollars per year from book royalties for the environmental law casebook that I co-author.**

**I took emeritus status from Duke University on June 30, 2020 and have no financial relationship with the University. It no longer contributes to my retirement account. The law school continues to provide me with the use of an office, which it can discontinue at any time. I also continue to have approximately \$10,000 in a faculty discretionary account, against which I can continue to charge expenses related to professional activities, such as bar dues, maintenance or replacement of University-supplied computer, laptop and Ipad.**

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

**No.**

20. **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).

**Please see SF-278.**

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

**See attached net worth statement.**

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors 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.

**In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Should the Senate consent to my nomination, I will divest myself of the individual stocks in my (and my spouse's) joint investment account with Fidelity, replacing them with diversified investment funds. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official.**

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

**In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with the Department's designated agency ethics official.**

23. **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. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

**I have spoken often to groups in North Carolina, Durham and Duke University on legal issues of concern to the public. My response to question 12(d) includes many of these speaking engagements. I have testified before Congressional committees in my private capacity. I have given advice on legal matters pending before the Congress to members of both the House and the Senate. I have spent considerable time working without compensation on projects addressing problems of environmental quality and human health. Much of that work has been through the Center for Progressive Reform. In my Of Counsel capacity at O'Melveny and Myers, I have supervised associates who are handling pro bono criminal appeals for the Maryland Office of the Public Defender.**