

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Justin Reed Walker

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

United States District Judge for the Western District of Kentucky

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.

University of Louisville Brandeis School of Law  
2301 South 3rd Street  
Louisville, Kentucky 40208

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

1982; Louisville, Kentucky

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.

2006 – 2009, Harvard Law School; J.D., 2009.

2000 – 2004, Duke University; B.A., 2004.

2003, University of Oxford, New College; no degree.

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2019 – Present  
Dinsmore & Shohl LLP  
101 South 5th Street, Suite 2500

Louisville, Kentucky 40202  
Partner of Counsel

2015 – Present  
University of Louisville Brandeis School of Law  
2301 South 3rd Street  
Louisville, Kentucky 40208  
Assistant Professor of Law (2015 – 2019)  
Associate Professor of Law (2019 – Present)

2013 – 2019  
Justin Walker, Esq.  
Home Address  
Louisville, Kentucky 40207  
Attorney and Advisor

2013 – 2015  
EJS Enterprises LLC  
600 Yancy Lane  
Louisville, Kentucky 40207  
Writer

2012 – 2013; 2009 – 2010; Summer 2008  
Gibson Dunn & Crutcher LLP  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
Associate (2012 – 2013; 2009 – 2010)  
Summer Associate (Summer 2008)

2011 – 2012  
Supreme Court of the United States  
One First Street, N.E.  
Washington, D.C. 20543  
Law Clerk to Honorable Anthony M. Kennedy

2010 – 2011  
United States Court of Appeals for the D.C. Circuit  
333 Constitution Avenue, N.W.  
Washington, D.C. 20001  
Law Clerk to Honorable Brett M. Kavanaugh

Summer 2007  
Mintz Levin  
One Financial Center  
Boston, Massachusetts 02111  
Summer Associate

2005 – 2006

Department of Defense  
Pentagon – Army Navy Drive and Fern Street  
Arlington, Virginia 22202  
Speechwriter for the Secretary of Defense

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

I have not served in the U.S. Military. I registered for the selective service upon turning 18.

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

University of Louisville, Faculty Favorite Nominee (2016; 2017; 2018)

Sacred Heart Model School, Alumnus of the Year (2015)

*Forbes*, “30 Under 30” List for Law and Public Policy (2011)

Degree from Harvard Law School conferred *magna cum laude* (2009)

Degree from Duke University conferred *summa cum laude* (2004)

Phi Beta Kappa (2004)

Robert Rankin American Government Award for Leadership and Academic Achievement (2004)

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.

District of Columbia Bar Association (2010 – Present)

Federalist Society (2006 – Present)

Executive Committee for International and National Security Law Practice Group (2017 – Present)

Executive Committee for Louisville Chapter (2016 – Present)

Kentucky Bar Association (2009 – Present)

Annual Convention Planning Committee (2018 – Present)

Committee for Continuing Legal Education for Annual Convention (2018 – Present)

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.

District of Columbia, 2010  
Kentucky, 2009

There have been no lapses in membership.

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

United States Court of Appeals for the Sixth Circuit, 2016  
United States Court of Appeals for the D.C. Circuit, 2011  
United States District Court for the Western District of Kentucky, 2019

There have been no lapses in membership.

11. **Memberships:**

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

Duke Alumni Association (2004 – Present)

Global Game Changers Student Empowerment Program, Executive Director (2013 – Present)

Harvard Club of Louisville (approximately 2017 – 2018)

Harvard Law School Association (2009 – Present)

Lakeside Swim Club (2018 – Present)

Louisville Lawyers Club (2017 – Present)

Louisville Tennis Club (approximately 2013 – 2016)

Sacred Heart Model School, Alumni Board (2016 – 2017)

Supreme Court Historical Society (2015 – 2018)

Yale's Bulldogs in the Bluegrass (2015 – 2017)

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

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

*The Kavanaugh Court and the Schechter-to-Chevron Spectrum: How the New Supreme Court Will Make the Administrative State More Democratically Accountable*, \_\_ Ind. L. Rev. \_\_ (2020) (working draft). Copy Supplied.

*Less Liberty?*, \_\_ U. Ill. L. Rev. \_\_ (2020) (symposium) (working draft). Copy supplied.

With Kirk Smith, *Lincoln's Lessons*, \_\_ Univ. Louisville L. Rev. \_\_ (2019) (symposium) (forthcoming). Copy supplied.

With Samantha Hall, *Madmen, Whirlybirds, and Mistakes: A Recipe for Good Legal Writing*, Ky. Bench & B. 48, Jan. 2019. Copy supplied.

With Nick Harper, Travis Lenkner, Richard Re & Caroline Van Zile, *Brett Kavanaugh Will Follow in Anthony Kennedy's Collegial Supreme Court Footsteps*, USA Today, Sept. 4, 2018. Copy supplied.

*Kavanaugh Is A Great Judge, Good Man*, Louisville Courier-Journal, Aug. 6, 2018. Copy supplied.

*Judge Brett Kavanaugh: A Warrior for Religious Liberty*, Nat'l Rev., July 6, 2018. Copy supplied.

*Guest blog: Reflections on Judge Brett Kavanaugh*, Brandeis School of Law Dean's Blog, July 5, 2018. Copy supplied.

*Brett Kavanaugh Said Obamacare Was Unprecedented and Unlawful*, Federalist, July 3, 2018. Copy supplied.

*FBI Independence as A Threat to Civil Liberties: An Analogy to Civilian Control of the Military*, 86 Geo. Wash. L. Rev. 1011 (2018). Copy supplied.

*Guest blog: Reflections on Justice Anthony Kennedy*, Brandeis School of Law Dean's Blog, approximately June 2018. Copy supplied.

*Guest post: A Wild Ride to Germany, Reflections on Federalism – and More*, Brandeis School of Law Dean's Blog, approximately May 31, 2018. Copy supplied.

*The FBI Was Dangerous When It Was Independent*, Wall Street J., Mar. 25, 2018. Copy supplied.

*What Will Guard The Guardians?: Combating Threats to an Independent Judiciary Through Theories of Inherent Executive Power*, 85 Univ. Cin. L. Rev. 923 (2018). Copy supplied.

With Leah Spears, *You Can't Write Anything Good If You Haven't Read Anything That's Good*, Ky. Bench & B. 48, July 2017. Copy supplied.

With Caroline Phelps, *Chilled Chambers*, 47 Univ. of Memphis L. Rev. 1169 (2017) (symposium). Copy supplied.

With A.J. Besik, Chelsea Dermody & Devon Skeens, *Brandeis Students Meet with Justice Kennedy, Visit D.C.*, Ky. Bench & B. 30, July 2016. Copy supplied.

*Execution of the Innocent in Military Tribunals: Problems from the Past and Solutions for the Future*, 119 W. Va. L. Rev. 1 (2016). Copy supplied.

With Anne Walker, *Calling All Kid Superheroes*, Courier-Journal, Aug. 24, 2015. Copy supplied.

*Batson v. Kentucky: A Retrospective*, Ky. Bench & B. 10 (March 2015). Copy supplied.

*Recent Case: Saudi Courts – Women's Rights – General Court of Qatif Sentences Gang-Rape Victim to Prison and Lashings for Violating "Illegal Mingling" Law*, 121 Harv. L. Rev. 2254 (2008). Copy supplied.

*Dispatches from the Campaign Trail*, Duke Mag., Aug. 1, 2004. Copy supplied.

Justin Walker's Campaign Diary, Duke University Website (January 2004 to March 2004). Available at <https://today.duke.edu/showcase/mmedia/features/campaigndiary/campaigndiary.html>

*Worthless Democrats*, Duke Chron., Sept. 26, 2002. Digital copy available at [https://issuu.com/dukechronicleprintarchives/docs/the\\_chronicle\\_2002-09-26\\_sm](https://issuu.com/dukechronicleprintarchives/docs/the_chronicle_2002-09-26_sm).

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.

None.

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.

With former clerks to Justice Kennedy, Letter to Senate Judiciary Committee, August 2, 2018. Copy supplied.

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

June 13, 2019: Moderator, Panel Discussion of Current Supreme Court Term, Kentucky Bar Association Annual Convention, Louisville, Kentucky. Notes supplied.

June 8, 2019: Speaker, Discussion of Current Supreme Court Term, Dinsmore & Shohl Partners Retreat, Columbus, Ohio. Notes supplied.

May 10, 2019: Speaker, The Confrontation Clause Since *Crawford*, Commonwealth Attorney's Office, Louisville, Kentucky. Video DVD supplied.

April 13, 2019: Speaker, Symposium on Judge Sutton's *Fifty-One Imperfect Solutions*, Richmond Law School, Richmond, Virginia. My presentation was based on the draft of "Less Liberty?," a copy of which is supplied in response to Question 12.a.

April 4-5, 2019: Instructor, Digital Law, University of Paris Descartes, Paris France. Notes supplied.

March 26, 2019: Speaker, Supreme Court Preview for Fifth Third Bank, Cincinnati, Ohio. My presentation described some pending Supreme Court cases and summarized my article, *The Schechter-to-Chevron Spectrum*, a copy of which is supplied in response to Question 12.a.

March 18, 2019: Speaker, Supreme Court Preview, Federalist Society, Washington & Lee School of Law. My presentation described some pending Supreme Court cases and summarized my article, *The Schechter-to-Chevron Spectrum*, a copy of which is supplied in response to Question 12.a.

March 18, 2019: Speaker, Supreme Court Preview, Federalist Society, Liberty School of Law. My presentation described some pending Supreme Court cases and summarized my article, *The Schechter-to-Chevron Spectrum*, a copy of which is supplied in response to Question 12.a.

March 11, 2019: Speaker, Supreme Court Preview for Proctor & Gamble, Cincinnati, Ohio. My presentation described some pending Supreme Court cases and summarized my article, *The Schechter-to-Chevron Spectrum*, a copy of which is supplied in response to Question 12.a.

February 25, 2019: Speaker, Delegation Doctrine, Federalist Society, Louisville, Kentucky. Notes supplied.

February 21, 2019: Speaker, Justice Kavanaugh's Impact on the Supreme Court, Daviess County Bar Association, Owensboro, Kentucky. My talk was based on my article, *The Schechter-to-Chevron Spectrum*, a copy of which is supplied in response to Question 12.a.

December 4, 2018: Speaker, Brett Kavanaugh's Jurisprudence, Federalist Society, Raleigh, North Carolina. My presentation described some pending Supreme Court cases and summarized my article, *The Schechter-to-Chevron Spectrum*, a copy of which is supplied in response to Question 12.a.

December 3, 2018: Speaker, Brett Kavanaugh's Jurisprudence, Federalist Society, Winston-Salem, North Carolina. My presentation described some pending Supreme Court cases and summarized my article, *The Schechter-to-Chevron Spectrum*, a copy of which is supplied in response to Question 12.a.

November 30, 2018: Speaker, Supreme Court Preview, Dinsmore & Shohl LLP. Continuing Legal Education Conference, Cincinnati, Ohio. Copy of notes provided.

October 24, 2018: Speaker, Due Process, Governor's Equal Employment Opportunity, Diversity and Leadership Conference, Louisville, Kentucky. Copy of notes provided.

October 9, 2018: Speaker, Brett Kavanaugh Confirmation, Jefferson County Republican Party, Louisville, Kentucky. I described and commented on the Kavanaugh confirmation process; the substance was similar to my remarks in television and radio interviews. I have no notes, transcript, or recording. The address of the Jefferson County Republican Party is 4545 Bishop Lane, Louisville, Kentucky 40218.

October 3, 2018: Speaker, Supreme Court Review and Preview, Dinsmore & Shohl LLP Firm, Continuing Legal Education, Louisville, Kentucky. My presentation described some pending Supreme Court cases and summarized my article, *The Schechter-to-Chevron Spectrum*, a copy of which is supplied in response to Question 12.a.

September 28, 2018: Speaker, Symposium: The Commonwealth, Brandeis School of Law, Louisville, Kentucky. The presentation was based on my essay, co-authored with Kirk Smith, *Lincoln's Lessons*, a copy of which is supplied in response to Question 12.a.

September 27, 2018: Speaker, Church-State Debate, American Constitution Society-Americans United, Louisville, Kentucky. Recording available at [http://hwcdn.libsyn.com/p/a/d/2/ad258e9678baca09/224\\_Episode\\_224.mp3?c\\_id=25467701&cs\\_id=25467701&expiration=1555097884&hwt=08054d750a38aa6fa96016f74ec143a3](http://hwcdn.libsyn.com/p/a/d/2/ad258e9678baca09/224_Episode_224.mp3?c_id=25467701&cs_id=25467701&expiration=1555097884&hwt=08054d750a38aa6fa96016f74ec143a3).

September 18, 2018: Speaker, Brett Kavanaugh Nomination, Indiana University School of Law. A video is available at [https://www.youtube.com/watch?v=au-2ZxtgRT0&fbclid=IwAR28zroKvi2gn3kM1Cl-Jc8BrlV9EnfWtTtZrTDlXrOAx8XQjm\\_K-C2ELQ](https://www.youtube.com/watch?v=au-2ZxtgRT0&fbclid=IwAR28zroKvi2gn3kM1Cl-Jc8BrlV9EnfWtTtZrTDlXrOAx8XQjm_K-C2ELQ)

September 11, 2018: Speaker, Brett Kavanaugh Nomination, Columbia Law School, New York, New York. I described and commented on the Kavanaugh confirmation process; the substance was similar to my remarks in television and radio interviews. I have no notes, transcript, or recording. The address of Columbia Law School is 435 West 116th Street, New York, New York 10027.

August 28, 2018: Speaker, Brett Kavanaugh Nomination, Federalist Society, Cincinnati, Ohio. I described and commented on the Kavanaugh confirmation process; the substance was similar to my remarks in television and radio interviews. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

August 21, 2018: Speaker, Brett Kavanaugh Nomination, Federalist Society, Lexington, Kentucky. I described and commented on the Kavanaugh confirmation process; the substance was similar to my remarks in television and radio interviews. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

August 16, 2018: Speaker, Brett Kavanaugh Nomination, Federalist Society, Louisville,

Kentucky. Notes Supplied.

August 14, 2018: Speaker, Brett Kavanaugh Nomination, Heritage Foundation, Washington, D.C. A video is available at <https://www.c-span.org/video/?449730-1/judge-kavanaughs-rulings>.

August 13, 2018: Speaker, Brett Kavanaugh Nomination, Federalist Society, Indianapolis, Indiana. I described and commented on the Kavanaugh confirmation process; the substance was similar to my remarks in television and radio interviews. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

August 9, 2018: Speaker, Anthony Kennedy, Southeastern Association of Law Schools Conference, Ft. Lauderdale, Florida. A summary of my remarks is available at <https://sealslawschools.org/session-summary-the-kennedy-retirement/>

August 9, 2018: Speaker, FBI Independence, Southeastern Association of Law Schools Conference, Ft. Lauderdale, Florida. My presentation summarized my article, *FBI Independence*, a copy of which is supplied in response to Question 12.a.

July 30, 2018: Evening Event Speaker, Brett Kavanaugh Nomination, Federalist Society, Anchorage, Alaska. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, D.C. 20006. Press report supplied. .

July 30, 2018: Lunch Event Speaker, Brett Kavanaugh Nomination, Federalist Society, Anchorage, Alaska. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

July 30, 2018: Breakfast Event Speaker, Brett Kavanaugh Nomination, Alaska Family Council, Breakfast event, Anchorage, Alaska. I have no notes, transcript, or recording. The address of the Alaska Family Council is Post Office Box 231425, Anchorage, Alaska 99523.

July 26, 2018: Speaker, Supreme Court Review and Preview, Dinsmore & Shohl, Louisville, Kentucky. Notes Supplied.

July 11, 2018: Teleforum Moderator, Establishment Clause Overseas, Federalist Society. Audio is available at <https://fedsoc.org/events/the-establishment-clause-overseas>.

June 29, 2018: Speaker, Supreme Court Review, Louisville Bar Association/American Constitution Society, Louisville, Kentucky. I described and commented on recently decided Supreme Court cases; the substance was similar to the July 26, 2018, presentation listed above.

June 19, 2018: Speaker, Dangers of FBI Independence, Speed Museum's Rules of the

Game, Louisville, Kentucky. My remarks were substantially similar to those offered at the June 8, 2018, event listed below.

June 8, 2018: Speaker, Dangers of FBI Independence, American Constitution Society National Conference. A video is available at <https://www.youtube.com/watch?v=flyyzNPelFc&feature=youtu.be>.

May 29, 2018: Lecturer, More or Less Constitutional, Johannes Gutenberg University, Mainz, Germany. I taught a course on the separation of powers. Notes supplied.

April 24-28, 2017: Lecturer, More or Less Constitutional, University of Turku, Turku, Finland. I taught a course on the separation of powers. Notes supplied.

April 8, 2018: Speaker, Presentation of Leon Seidman Memorial Award to Leah Spears, Brandeis School of Law, Louisville, Kentucky. Text supplied.

October 30, 2017: Speaker, Kentucky to the World: Global Game Changers Student Empowerment Program, Louisville, Kentucky. A video is available at <https://kentuckytotheworld.org/ket-broadcasting-streaming-ktw-programs/>

October 12, 2017: Speaker, Redistricting and Religious Liberty, Federalist Society, Louisville, Kentucky. With Professor Barry McDonald from Pepperdine, I described and commented on two pending Supreme Court cases, *Gill v. Whitford* and *Masterpiece Cakeshop*. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, N.W., Suite 300, Washington, D.C. 20006.

September 27, 2017: Speaker, Kentucky to the World, Justin Walker – Values are What Makes Kentucky Great. A video is available at <https://www.youtube.com/watch?v=Xbq1hNXOynQ>.

September 27, 2017: Speaker, Kentucky to the World, Justin Walker on the Root of Kentucky Values. A video is available at <https://www.youtube.com/watch?v=yewLHI1-Iss>.

September 27, 2017: Speaker, Kentucky to the World, Justin Walker: The Glories of the World Are for Everyone. A video is available at [https://www.youtube.com/watch?v=2r5JULox91A&list=PL8kzOhqVzThomW\\_-VH\\_Q8XvctbEHdsQ4M&index=2](https://www.youtube.com/watch?v=2r5JULox91A&list=PL8kzOhqVzThomW_-VH_Q8XvctbEHdsQ4M&index=2)

September 27, 2017: Speaker, Kentucky to the World, Justin Walker: Sacred Heart Model School and Kentucky Values. A video is available at [https://www.youtube.com/watch?v=2L3nLNtKzbg&list=PL8kzOhqVzThomW\\_-VH\\_Q8XvctbEHdsQ4M&index=3](https://www.youtube.com/watch?v=2L3nLNtKzbg&list=PL8kzOhqVzThomW_-VH_Q8XvctbEHdsQ4M&index=3)

September 27, 2017: Speaker, Kentucky to the World, Justin Walker: Global Game Changers Empowerment Equation. A video is available at

[https://www.youtube.com/watch?v=H9Qo\\_jrl8gI&list=PL8kzOhqVzThomW\\_-VH\\_Q8XvctbEHdsQ4M&index=4](https://www.youtube.com/watch?v=H9Qo_jrl8gI&list=PL8kzOhqVzThomW_-VH_Q8XvctbEHdsQ4M&index=4)

September 27, 2017: Speaker, Kentucky to the World, Justin Walker: Empowering Children for the Rest of Their Lives. A video is available at

[https://www.youtube.com/watch?v=omaAA5PB29g&list=PL8kzOhqVzThomW\\_-VH\\_Q8XvctbEHdsQ4M&index=5](https://www.youtube.com/watch?v=omaAA5PB29g&list=PL8kzOhqVzThomW_-VH_Q8XvctbEHdsQ4M&index=5)

September 27, 2017: Speaker, Kentucky to the World, Justin Walker: Collaborating with the Muhammed Ali Center. A video is available at

[https://www.youtube.com/watch?v=FhhMGgGbLU4&list=PL8kzOhqVzThomW\\_-VH\\_Q8XvctbEHdsQ4M&index=7](https://www.youtube.com/watch?v=FhhMGgGbLU4&list=PL8kzOhqVzThomW_-VH_Q8XvctbEHdsQ4M&index=7)

September 26, 2017: Speaker, Kentucky to the World Presents Global Game Changers. A video is available at <https://www.youtube.com/watch?v=kG7w0ZB19T8>.

September 14, 2017: Speaker, Religious Liberty, Federalist Society, Frankfort, Kentucky. Notes supplied.

September 8, 2017: Speaker, Supreme Court, Louisville Forum (Retirement Home), Louisville, Kentucky. Notes supplied.

August 1, 2017: Speaker, Judicial Independence, Southeastern Association of Law Schools Conference, Boca Raton, Florida. My presentation summarized my article, *What Will Guard the Guardians*, a copy of which is supplied in response to Question 12.a.

July 19, 2017: Panelist, Supreme Court Clerkships, Federal Bar Association, Jackson, Tennessee. I described my clerkship with Justice Kennedy. I have no notes, transcript, or recording. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

June 29, 2017: Speaker, Supreme Court Review, Louisville Bar Association/American Constitution Society, Louisville, Kentucky. I described and commented on recently decided Supreme Court cases. I have no notes, transcript, or recording. The address of the Louisville Bar Association is 600 West Main Street, Suite 110, Louisville, Kentucky 40202.

June 22, 2017: Speaker, Supreme Court Review, Kentucky Bar Association, Owensboro, Kentucky. I described and commented on recently decided and pending Supreme Court cases. I have no notes, transcript, or recording. The address of the Kentucky Bar Association is 514 West Main Street, Frankfort, Kentucky 40601.

June 13, 2017: Speaker, Supreme Court Review, Summer Law Institute, Louisville, Kentucky, Sponsored by the Louisville Bar Association. I described and commented on recently decided and pending Supreme Court cases. I have no notes, transcript, or recording. The address of the Louisville Bar Association is 600 West Main Street, Suite

110, Louisville, Kentucky 40202.

April 7, 2017: Speaker, Symposium: Judicial Independence, Memphis School of Law, Memphis, Tennessee. The presentation was based on my essay, *Chilled Chambers*, a copy of which is supplied in response to Question 12.a.

April 1, 2017: Speaker, Judicial Independence, Emory School of Law, Atlanta, Georgia. My presentation summarized my article, *What Will Guard the Guardians*, a copy of which is supplied in response to Question 12.a.

February 27, 2017: Speaker, Supreme Court Clerkships, Federalist Society, Louisville, Kentucky. Notes supplied.

February 24, 2017: Speaker, Legal Writing for the Governor's Cabinet, Continuing Legal Education, Frankfort, Kentucky. I provided advice on legal writing skills. I have no notes, transcript, or recording. The address for the Governor's Cabinet, Continuing Legal Education is 514 West Main Street, Frankfort, Kentucky 40601.

January 23, 2017: Speaker, Judicial Independence, University of Kentucky College of Law. My presentation summarized my article, *What Will Guard the Guardians*, a copy of which is supplied in response to Question 12.a.

December 2, 2016: Speaker, Supreme Court Review, Dinsmore & Shohl LLP Conference, Continuing Legal Education, Cincinnati, Ohio. Notes supplied.

November 5, 2016: Speaker, NSA Surveillance, Filson Historical Society, Louisville, Kentucky. Notes supplied.

October 24, 2016: Discussion Co-Moderator for Justice Elena Kagan Interview for Brandeis School of Law, Interview at Papa John's Cardinal Stadium B&W Club, Louisville, Kentucky. Text of my questions supplied.

October 16, 2016: Discussion Moderator of "Judicial Philosophy" for State Supreme Court Candidates, Federalist Society, Lexington, Kentucky. Text of my questions supplied.

August 11, 2016: Discussion Moderator, Orientation Discussion Group on Milgram Experiment, Brandeis School of Law. Text of my questions supplied.

June 30, 2016: Speaker, Supreme Court Review, Louisville Bar Association/American Constitution Society, Louisville, Kentucky. I described and commented on pending and recently decided Supreme Court cases. I have no notes, transcript, or recording. The address of the Louisville Bar Association is 600 West Main Street, Suite 110, Louisville, Kentucky 40202.

June 14, 2016: Speaker, Supreme Court Review, Summer Law Institute for High School

Students, Louisville, Kentucky, Sponsored by the Louisville Bar Association. With Leah Spears, I described and commented on pending and recently decided Supreme Court cases. I have no notes, transcript, or recording. The address of the Louisville Bar Association is 600 West Main Street, Suite 110, Louisville, Kentucky 40202.

April 26, 2016: Speaker, Louisville's Newest Global Game Changers Superheroes In-Residence at Muhammad Ali Center. A video available at <https://www.youtube.com/watch?v=zJpnCHsEUyo>.

April 1, 2016: Speaker, Supreme Court Vacancy, Louisville Bar Association/American Constitution Society, Louisville, Kentucky. Notes Supplied.

February 11, 2016: Speaker, Global Game Changers Superheroes Unite!, Louisville, Kentucky. A video is available at <https://www.youtube.com/watch?v=c67Pdu3DfTw>.

January 28, 2016: Speaker, Global Game Changers Executive Director Justin Walker Talks about MLK Day of Service, Louisville, Kentucky. A video is available at [https://www.youtube.com/watch?v=\\_PB9WGqKQhE](https://www.youtube.com/watch?v=_PB9WGqKQhE).

January 13, 2016: Speaker, Press Conference Announcing "Discover Your Superpower" Afterschool Program by Global Game Changers, Muhammed Ali Center, Louisville, Kentucky. I gave remarks similar to my November 17, 2015, remarks. I have no notes, transcript, or recording. The address of Global Game Changers is 201 East Main Street, Suite 104, Louisville, Kentucky 40202.

December 4, 2015: Speaker, Supreme Court Review, Dinsmore & Shohl LLP Conference, Continuing Legal Education, Cincinnati, Ohio. Notes supplied.

November 19, 2015: Interviewed by Neil Barton, Meeting of Harlan Scholars, Brandeis School of Law, Louisville, Kentucky. Notes supplied.

November 17, 2015: Speaker, Press Conference Announcing Grant by Kosair Charities to Global Game Changers Student Empowerment Program. Text supplied.

October 27, 2015: Speaker, *Batson*, Louisville Inn of Court, Brandeis School of Law. My presentation summarized my article, *Batson v. Kentucky: A Retrospective*, a copy of which is supplied in response to Question 12.a.

September 23, 2015: Speaker, Recipient of Sacred Heart Model School Alumnus of the Year, Louisville, Kentucky. Text supplied.

September 15, 2015: Speaker, Supreme Court Review, Federalist Society, Louisville, Kentucky. Notes supplied.

August 1, 2015: Speaker, Military Tribunals, Southeastern Association of Law Schools Conference, Boca Raton, Florida. My presentation summarized my article, *Execution of*

*the Innocents*, a copy of which is supplied in response to Question 12.a.

July 13, 2015: Speaker, Supreme Court Review, Dinsmore & Shohl, Louisville, Kentucky. Notes supplied.

June 30, 2015: Speaker, Supreme Court Review, Louisville Bar Association/American Constitution Society, Louisville, Kentucky, Louisville Bar Association. Notes supplied.

June 10, 2015: Speaker, Global Game Changers, Heart of Gold Series, Louisville, Kentucky. A video is available at <https://www.youtube.com/watch?v=JsJRCukGZYs>.

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*Bloomberg Radio*, Sept. 5, 2018.

*Cheddar TV*, Sept. 5, 2018.

*WAEB Pennsylvania*, Sept. 5, 2018.

Tyler Cralle, *WAAV North Carolina*, Sept. 5, 2018.

Mike Rapp, *KQTH Arizona*, Sept. 4, 2018.

*CNN*, Sept. 5, 2018.

*Fox Business*, Sept. 4, 2018.

Scott Hennen, *KTFR North Dakota*, Aug. 30, 2018.

Forrest Goodman, *WREC Memphis*, Aug. 26, 2018.

Dave Stieren, *KFQD Alaska*, Aug. 15, 2018.

*Politics Aside Podcast*, Aug. 13, 2018.

Chris Woodward, *American Family Radio*, Aug. 2, 2018.

*KNUS/KDMT Denver*, July 25, 2018.  
*Montana Talks, KBUL*, July 25, 2018.  
*WHK Cleveland*, July 24, 2018.  
*KFTK St. Louis*, July 24, 2018.  
*The Big Picture with Olivier Knox, XM POTUS*, July 23, 2018.  
Jack Patte, *WVLK-AM*, July 19, 2018.  
Jon King, *Newstalk KVGO*, July 13, 2018.  
KTFR, Scott Hennen, July 13, 2018.  
Ed Martin, *KXFM*, July 12, 2018.  
Dave Kruser, *WVLK-AM*, July 12, 2018.  
John Phillips & Jillian Barbergie, *790 KABC*, July 11, 2018.  
*Bloomberg Radio*, July 10, 2018.  
*The Mitch Albom Show*, July 10, 2018.  
David Webb, *Sirius XM Patriot*, July 10, 2018.  
Charles Payne, *Fox Business*, July 9, 2018.  
David Webb, *Sirius XM Patriot*, July 9, 2018.  
News at 10, *WLKY*, July 2, 2018.

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

I have not held judicial office.

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

i. Of these, approximately what percent were:

jury trials: \_\_\_\_\_%

bench trials: \_\_\_\_\_% [total 100%]  
civil proceedings: \_\_\_\_\_%  
criminal proceedings: \_\_\_\_\_% [total 100%]

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

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

I have not held judicial office.

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

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

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

I have not held public office, nor have I had an unsuccessful candidacy for elective office or unsuccessful nomination for appointed office.

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

I served as an intern in the communications department of the Bush/Cheney presidential campaign from September 2004 to November 2004. In that role, I helped collect newspaper articles and television transcripts about the campaign.

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

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

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

From 2010 to 2011, I served as a law clerk to the Honorable Brett M. Kavanaugh, United States Court of Appeals for the D.C. Circuit.

From 2011 to 2012, I served as a law clerk to the Honorable Anthony M. Kennedy, United States Supreme Court.

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

From 2013 through 2019, I practiced law alone at my home address.

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.

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Associate

2013 – 2015  
EJS Enterprises LLC  
600 Yancy Lane  
Louisville, Kentucky 40207  
Writer

2013 – 2019  
Justin Walker, Esq.  
Home Address  
Louisville, Kentucky 40207  
Attorney and Advisor

2019 – Present  
Dinsmore & Shohl LLP  
101 South 5th Street, Suite 2500  
Louisville, Kentucky 40202  
Partner of Counsel

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

I have never served as a mediator or arbitrator.

b. Describe:

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

Before and after my clerkships for then-Judge Brett Kavanaugh and Justice Anthony Kennedy, I worked in private practice by representing parties in large, often complex civil litigation matters in federal and state courts across the

country. I did not specialize in a particular area of law but rather practiced in a variety of areas including constitutional law, administrative law, tax law, tort law, securities, and intellectual property.

Since July 2015, I have been a full-time professor at the University of Louisville Brandeis School of Law in Louisville, Kentucky, where I teach litigation skills such as legal writing, legal research, motions practice, and oral argument. During this time, I have researched and written about constitutional law, national security law, criminal procedure, and administrative law, and I have helped litigate matters in state and federal court. As before, I did not specialize in a particular area of law, but my litigation practice has included work on federal civil procedure, trusts and estates, remedies, and constitutional law. I have also assisted Judge David Levi with his work arbitrating a dispute between doctors and an electronic medical records provider.

Beginning in January 2019, I became a partner of counsel at Dinsmore & Shohl, where I have practiced in a variety of areas including labor law, property law, federal civil procedure, franchise law, constitutional law, federal statutory interpretation, and federal criminal law.

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

At Gibson Dunn & Crutcher, I primarily represented corporations facing civil litigation in federal and state courts. At Dinsmore & Shohl, my typical clients are corporations and individuals facing federal and state civil litigation. I also maintain a substantial pro bono practice, which recently included representation of a criminal defendant a federal jury trial.

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:          | 80% |
| 2. state courts of record:  | 20% |
| 3. other courts:            | __% |
| 4. administrative agencies: | __% |

ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 90% |
| 2. criminal proceedings: | 10% |

d. State the number of cases in courts of record, including cases before administrative

law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have not served as sole or chief counsel in any case tried to verdict or judgment. However, I have been associate counsel at a federal criminal jury trial. I have also been involved in trials in various other capacities, including at mediation and as the counsel who took an expert deposition.

i. What percentage of these trials were:

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

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.

Although I am not listed on most of the filings, I have drafted or assisted with the following briefs:

Brief for Petitioners, *Mayo Found. for Med. Educ. and Research v. United States*, 562 U.S. 44 (2011) (No. 09-837). Brief available at 2010 WL 4111636.

Reply Brief for Petitioners, *Mayo Found. for Med. Educ. and Research v. United States*, 562 U.S. 44 (2011) (No. 09-837). Brief available at 2010 WL 1775871.

Petition for Writ of Certiorari, *Mayo Found. for Med. Educ. and Research v. United States*, 562 U.S. 44 (2011) (No. 09-837). Brief available at 2010 WL 146474.

Petition for Writ of Certiorari, *Green v. Campbell*, 559 U.S. 1059 (2010) (No. 09-986). Brief available at 2010 WL 619542.

Brief in Opposition, *United States v. Philip Morris USA Inc.*, 561 U.S. 1025 (2010). (Nos. 09-978, 09-994). Brief available at 2010 WL 2101776

Brief of Amicus Curiae Bluegrass Institute in Support of Petitioner, *Ashland Specialty Co. Inc. v. Steager*, – U.S. –, 2019 WL 536929 (June 17, 2019) (No. 18-1053). Brief available at 2019 WL 1240049

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

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

1. *United States v. Todd*, 3:17-cr-77 (W.D. Ky.).

I represent a defendant who was accused of conspiring to possess with intent to distribute heroin and methamphetamine. My client is indigent, and I represented him pro bono in a federal criminal trial. I worked with his Criminal Justice Act–appointed attorney on all aspects of the case, including drafting evidentiary motions, consulting with the client, investigating open questions of fact, selecting the jury, preparing for the cross-examination of government witnesses, preparing for opening and closing arguments, raising objections, and researching legal questions before and during trial. The jury decided not to convict my client of conspiring to possess with intent to distribute heroin; however, it convicted him of conspiring to possess with intent to distribute methamphetamine. His sentencing hearing will be later this year.

Presiding judge: Rebecca Grady Jennings

Dates of representation: 2019

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2. *Vance v. McDonald’s Corp.*, 15-CI-00623 (Ky. Cir. Ct.).

I represent the defendant in a lawsuit filed by a plaintiff who alleged that she slipped and fell at the restaurant. Among the issues is causation, in particular whether her fall caused back and hand pain, or whether her condition preceded the fall by many years. The plaintiff retained a

neurosurgeon as an expert witness, and I deposed him. In the deposition, he conceded that the fall likely did not cause the plaintiff's back pain, contradicting his expert report, and that it is also possible the fall did not cause her hand pain, again contradicting his expert report. The case is still pending.

Presiding judge: Rodney Burress

Dates of representation: 2019

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3. *Rockwell Mining, LLC v. NLRB*, Civil Case 18-1329, 19-10 (D.C. Cir.).

I serve as appellate counsel to a corporation that is challenging the NLRB's certification of a union election held approximately three weeks after an agent of the union threatened and lied to the company's workers. The challenge raising the pressing question whether the court should invalidate a NLRB rule that precludes consideration of conduct before a petition for a union election. My client argues that the rule is outdated because the NLRB has shortened the time between petition and election, thus making conduct shortly before the petition more relevant. I will be presenting argument in the D.C. Circuit.

Panel not yet assigned.

Dates of representation: 2019

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4. *Osborn v. Griffin*, 865 F.3d 417 (6th Cir. 2017).

I served as appellate counsel to the plaintiffs, who successfully sued the defendants, their brothers, over an inheritance dispute. The district court awarded the plaintiffs approximately \$584 million in wrongful profits disgorgement and prejudgment interest, one of the largest judgments in Kentucky federal court history. The defendants appealed, and I assisted with all aspects of the appeal. Although I was not listed on the brief, I helped plan all of it, edited all of it, and drafted a portion of it. I also assisted the counsel of record with multiple moots before oral argument. My clients prevailed on appeal.

Panel: Clay, J., Bachelder, J., Merritt, J.

Dates of representation: 2016-2017

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5. *Carrollton Family Clinic, LLC* v. *eClinicalWorks, LLC*, FEDARB No. F18-A-DL-1010  
(Arbitration under FedArb).

I provided legal assistance to Judge David Levi, an arbitrator for FedArb, a group of more than fifty former federal judges and distinguished neutrals. The arbitration was ordered by the United States District Court for the District of Massachusetts and concerned a question of statutory interpretation and contract interpretation related to a then-open question of whether the Federal

Arbitration Act requires bilateral arbitration when the parties' arbitration clause is ambiguous with respect to class arbitration. Judge Levi held that it does, and several weeks later the United States Supreme Court resolved a circuit split by adopting the same position. I assisted Judge Levi with all aspects of the matter.

Presiding judge: Hon. David F. Levi (arbitrator)

Dates of representation: 2018 – 2019

Arbitrator

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6. *Mayo Found. for Med. Educ. and Research v. United States*, 562 U.S. 44 (2011).

I served as appellate counsel to the petitioners. They successfully petitioned for a writ of certiorari after an adverse decision in the Eighth Circuit that created a 4-1 circuit split regarding whether medical residents must pay Social Security taxes, or whether they are instead statutorily exempted as “students.” The suit implicated \$700 million in taxes per year. Although I was not listed on the briefing, I drafted the petition for certiorari, the reply to the opposition to certiorari, and the petitioners’ merits brief. The United States prevailed at the Supreme Court.

Dates of representation: 2009-2010

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Hon. Elena Kagan  
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Supreme Court of the United States  
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7. *Green v. Campbell*, 09-986 (U.S.).

I served as appellate counsel to the petitioners. At issue was whether the Free Exercise Clause requires courts to give legal effect to the trust provisions in a general church's canons. The lower courts were divided on the question, which affects church property nationwide. That property is valued at approximately \$150 billion. Although I was not listed on the briefing, I drafted the petition for certiorari. The parties then settled before the Supreme Court decided whether to grant certiorari, and the Court dismissed the petition.

Dates of representation: 2009-2010

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*Counsel for Protestant Episcopal Church in Diocese of South Carolina*

Stephen Blake Kinnaird  
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*Counsel for W. Russell Campbell, et al.*

8. *Apple Inc. v. Motorola, Inc.*, 757 F.3d 1286 (Fed. Cir. 2014).

I served as appellate counsel to Intel, which filed an amicus brief in a patent dispute between Apple and Motorola. Among the issues was the question of “hold-ups,” when patent holders use an imbalance in bargaining power to block new technology products from the market. According to the FTC, the problem is “particularly acute” in the context of our dispute, where a patent holder can “hold-up” an “entire industry.” Intel argued that the district court correctly denied Motorola an injunction for infringement of a patent and it correctly excluded testimony by Motorola’s damages expert. Although I was not listed on the briefing, I drafted the amicus brief. The Federal Circuit affirmed the denial of the injunction. It also partially affirmed and partially reversed the district court’s decision regarding Motorola’s expert witness. *Williamson v. Citrix Online, LLC* later overruled a holding of the panel not addressed by Intel’s brief. 792 F.3d 1339 (Fed. Cir. 2015) (en banc).

Panel: Rader, C.J., Prost, J., Reyna, J.

Dates of representation: 2013

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9. *Lucent Techs., Inc. v. Gateway, Inc.*, Civil Cases 2008-1485, -1487, -1495, 580 F.3d 1301 (Fed. Cir. 2009).

I served as appellate counsel to Intel, which filed an amicus brief with other technology companies supporting Microsoft's petition for rehearing en banc. The panel had affirmed in part, and reversed in part, a damages award of \$357 million against Microsoft. At issue was the Federal Circuit's clear-and-convincing standard for claims of patent invalidity when the PTO never considered evidence that may invalidate the patent. The Federal Circuit's standard conflicted with the pre-1982 decisions of all twelve regional circuits, had been the target of multiple congressional reform proposals, and was considered so consequential that the U.S. Supreme Court granted cert on the question in a similar case a year later. Although I was not listed on the briefing, I drafted the amicus brief. The Supreme Court ultimately affirmed the Federal Circuit's standard. In *Lucent*, the court denied en banc review.

Panel: Michel, C.J., Newman, J., Lourie, J.

Dates of representation: 2009

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10. *United States v. Philip Morris USA Inc.*, 561 U.S. 1025 (2010).

I served as appellate counsel to respondent Philip Morris for a successful brief in opposition to the United States' petition for certiorari. At issue was whether the D.C. Circuit correctly held that disgorgement is unavailable under the civil RICO statute, 18 U.S.C. § 1964(a). The United States argued for a theory that could have resulted in a \$742 billion disgorgement award. Although I was not listed on the briefing, I drafted the brief in opposition to certiorari. The Supreme Court denied certiorari.

Dates of representation: 2009-2010.

Co-counsel

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*Counsel for Respondent R.J. Reynolds Tobacco Company*

Michael B. Minton  
Bruce D. Ryder  
Jason A. Wheeler  
Thompson Coburn LLP  
One US Bank Plaza  
St. Louis, Missouri 63101

(314) 552-6000  
*Counsel for Lorillard Tobacco Company*

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Jonathan L. Marcus  
Mark W. Mosier  
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1201 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
(202) 662-6000  
*Counsel for Lorillard Tobacco Company*

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Renee D. Smith  
Kirkland & Ellis LLP  
300 North LaSalle  
Chicago, Illinois 60654  
(312) 862-2000  
*Counsel for Respondent Brown & Williamson Holdings, Inc.*

Guy Miller Struve  
Charles S. Duggan  
Davis Polk & Wardwell LLP  
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New York, New York 10017  
(212) 450-4192  
*Counsel for Respondent Altria Group, Inc.*

Counsel for the United States

Edwin S. Kneeder  
Michael R. Dreeben  
Anthony A. Yang  
Mark B. Stern  
Alisa B. Klein  
Mark R. Freeman  
Gregory C.J. Lisa  
Department of Justice  
Washington, D.C. 20530  
(202) 514-2217

Hon. Elena Kagan  
(formerly Solicitor General)  
Supreme Court of the United States  
One First Street, N.E.  
Washington, D.C. 20543

Tony West  
(formerly Assistant Attorney General)  
Uber  
555 Market Street  
San Francisco California 94105

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

In addition to litigation, my legal career has consisted of my teaching, my academic scholarship, my clerking, and my service to the legal community.

My teaching has covered topics such as trial tactics, legal writing, separation of powers, federalism, free speech, criminal procedure, and digital law. In my role as a law professor, I frequently mentor students, in particular the fourteen research assistants I have worked with over the past four years, frequently seeking opportunities for them that will bridge the divide between campus and the bar. Although most of my teaching has been at the University of Louisville, I have also taught courses in Finland, France, and Germany.

My academic scholarship has covered topics such as the separation of powers, the judiciary, criminal procedure, and national security. The *Indiana Law Journal*, the *George Washington Law Review*, *Illinois Law Review*, and the *University of Cincinnati* are among the journals that either have published or are publishing my work.

My service to the legal community includes service on the Kentucky Bar Association's Annual Convention Planning Committee, service on its Continuing Legal Education Subcommittee, and uncompensated presentations regarding legal writing, due process within administrative agencies, and the Supreme Court.

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

I taught Lawyering Skills I at the University of Louisville Brandeis School of Law during the fall semester of 2015, 2016, 2017, and 2018. In 2015, 2017, and 2018, I taught two sections of the course. The course teaches litigation skills, including legal writing, legal research, client counseling, co-counsel collaboration, and oral argument. Syllabi attached.

I taught Lawyering Skills II at the University of Louisville Brandeis School of Law during the spring semester of 2016, 2017, 2018, and 2019. In 2016, 2018, and 2019, I taught two sections

of the course. This is the companion course to Lawyering Skills I, and it continues to teach litigation skills, including legal writing, legal research, client counseling, co-counsel collaboration, negotiation, and oral argument. Syllabi attached.

I taught Writing for Practice at the University of Louisville Brandeis School of Law during the spring semester of 2014 and 2017. This is an upper-level course about how to write documents in litigation, such as complaints and motions to dismiss. Syllabi attached.

I taught four independent study classes on Animal Law (summer 2018), Prosecutorial Discretion (fall 2017 and spring 2018), and the Confrontation Clause (fall 2016). Syllabi attached.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

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

No.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, the cases most likely to present conflicts issues would be those related to

my prior service as a private practitioner. I would recuse in any matter in which, during my time in private practice, either I or a lawyer with whom I was then practicing, had participated. *See* 28 U.S.C. § 455(b)(2). I would also recuse in any matter involving my former firm for an appropriate number of years following my appointment.

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

If confirmed, I would evaluate any potential conflicts of interest under the standards set forth in 28 U.S.C. § 455 and Canon 3C of the Code of Conduct for United States Judges, both of which address the question whether federal judges must disqualify themselves due to conflicts. In considering those rules, I would further consult any judicial decisions or Judicial Conference opinions applying the rules to particular cases or circumstances.

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

I have spent a great deal of time working to improve equal access to justice through my community activities. For the past six years, I have been the volunteer executive director, and legal counsel, for the Global Game Changers Student Empowerment Program (GGC). Our non-profit organization has received more than a million dollars in grant funding to teach elementary school children that no matter how young they are and no matter where they come from, they can make a difference in the world. As part of my service to the Global Game Changers, I have presented to South-by-Southwest EDU, Louisville's Mayor, and the Director of the Corporation for National and Community Service.

Among my pro bono legal work was a recent representation of an indigent federal criminal defendant. His jury trial lasted nearly a week, and the case involved an extensive time commitment.

For the past four years, I have also led the University of Louisville School of Law's "Writing Skills" program for the pre-law program at Central High School, an inner-city school that educates an underserved population. I supervise between eight and twelve law students who teach writing skills to high school juniors every other Friday during the school year. In the past four years, I have attended most of the classes.

I am also involved in numerous other charitable endeavors.

26. **Selection Process:**

a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your

jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

I expressed an interest in judicial service to Senator Mitch McConnell on June 22, 2018. On October 11, 2018, I discussed the topic with Senator Rand Paul in a meeting where Senator Mike Lee and a member of Senator Paul's staff were also present. On March 7, 2019, I was interviewed in Washington D.C. by attorneys from the White House Counsel's Office and the Department of Justice's Office of Legal Policy. On March 26, 2019, an attorney from the White House Counsel's Office called me and told me the White House intended to move forward with my nomination. Since that date, I have been in contact with officials from the White House Counsel's Office and Office of Legal Policy regarding my nomination.

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

No.

## FINANCIAL DISCLOSURE REPORT NOMINATION FILING

<b>1. Person Reporting (last name, first, middle initial)</b>  Walker, Justin R.	<b>2. Court or Organization</b>  U.S. District Court for the Western District of Kentucky	<b>3. Date of Report</b>  06/25/2019
<b>4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)</b>  U.S. District Court Nominee	<b>5a. Report Type (check appropriate type)</b> <input checked="" type="checkbox"/> Nomination      Date 06/24/2019 <input type="checkbox"/> Initial <input type="checkbox"/> Annual <input type="checkbox"/> Final <b>5b.</b> <input type="checkbox"/> Amended Report	<b>6. Reporting Period</b>  01/01/2018 to 06/15/2019
<b>7. Chambers or Office Address</b>  2301 S. Third Street University of Louisville Brandeis School of Law Louisville, KY 40208		
<b>IMPORTANT NOTES:</b> <i>The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.</i>		

**I. POSITIONS.** *(Reporting individual only; see pp. 9-13 of filing instructions.)*

NONE *(No reportable positions.)*

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Assistant Professor	University of Louisville Brandeis School of Law
2. Partner of Counsel	Dinsmore & Shohl LLP
3. Attorney and Advisor	Justin Walker, Esq.
4. Volunteer Executive Director	Global Game Changers Student Empowerment Program
5.	

**II. AGREEMENTS.** *(Reporting individual only; see pp. 14-16 of filing instructions.)*

NONE *(No reportable agreements.)*

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	

**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

Walker, Justin R.

Date of Report

06/25/2019

**III. NON-INVESTMENT INCOME.** *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income** NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2017	Justin Walker, Esq., fees earned	\$11,462.50
2. 2017	University of Louisville, teaching income	\$103,744.68
3. 2017	University of Turku, teaching honorarium	\$1,129.25
4. 2018	Justin Walker, Esq., fees earned	\$3,812.50
5. 2018	University of Louisville, teaching income	\$95,322.39
6. 2018	Federalist Society, Honoraria	\$8,500.00
7. 2018	Dinsmore & Shohl LLP, honorarium	\$500.00
8. 2018	Gutenberg University, teaching honorarium	\$1,900.00
9. 2019	Dinsmore & Shohl LLP, income as law partner of counsel	\$20,833.35
10. 2019	University of Louisville, teaching income	\$38,479.15
11. 2019	Justin Walker, Esq., fees earned	\$38,197.22
12.		
13.		
14.		

**B. Spouse's Non-Investment Income** - *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)* NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2018	Global Game Changers Student Empowerment Program, Chief Program and Curriculum Officer
2. 2019	Global Game Changers Student Empowerment Program, Chief Program and Curriculum Officer
3.	
4.	

**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

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**IV. REIMBURSEMENTS** – *transportation, lodging, food, entertainment.*

*(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*

NONE *(No reportable reimbursements.)*

	<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1.	Exempt				
2.					
3.					
4.					
5.					

**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting

Walker, Justin R.

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**V. GIFTS.** *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*

NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.	Exempt		
2.			
3.			
4.			
5.			

**VI. LIABILITIES.** *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*

NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.			
2.			
3.			
4.			
5.			

**FINANCIAL DISCLOSURE REPORT**

Name of Person Reporting <b>Walker, Justin R.</b>	Date of Report 06/25/2019
--	------------------------------

**VII. INVESTMENTS and TRUSTS** – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

NONE (No reportable income, assets, or transactions.)

1.	A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
		(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
		Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
1.	PNC Bank cash account		None	L	T	Exempt				
2.	Vanguard, SEP-IRA, VTSAX Index Fund	A	Dividend	J	T	Exempt				
3.	Vanguard, Roth IRA #1, VTIVX Index Fund	A	Dividend	K	T	Exempt				
4.	Vanguard, Roth IRA #2, VTIVX Index Fund	A	Dividend	K	T	Exempt				
5.	Vanguard, Brokerage Account #1 (H)					Exempt				
6.	- VEMAX Index Fund	A	Dividend	K	T	Exempt				
7.	- VMMXX Prime Money Market Fund	A	Interest	J	T	Exempt				
8.	- VTMGX Index Fund	A	Dividend	K	T	Exempt				
9.	- VTSAX Index Fund	A	Dividend	L	T	Exempt				
10.	Vanguard, Brokerage Account #2 (H)					Exempt				
11.	- VEMAX Index Fund	A	Dividend	J	T	Exempt				
12.	- VTMGX Index Fund	A	Dividend	J	T	Exempt				
13.	- VTSAX Index Fund	A	Dividend	J	T	Exempt				
14.	Note - Jake Grey and Leah Spears loan	C	Interest	L	T	Exempt				
15.	Morgan Stanley, Conagra Brands stock	A	Dividend	J	T	Exempt				
16.	Morgan Stanley, cash equivalent account	A	Interest	J	T	Exempt				
17.	Etrade, Apple stock	A	Dividend	J	T	Exempt				

1. Income Gain Codes: A=\$1,000 or less; F=\$50,001 - \$100,000; B=\$1,001 - \$2,500; G=\$100,001 - \$1,000,000; C=\$2,501 - \$5,000; H1=\$1,000,001 - \$5,000,000; D=\$5,001 - \$15,000; E=\$15,001 - \$50,000; H2=More than \$5,000,000

2. Value Codes: J=\$15,000 or less; K=\$15,001 - \$50,000; L=\$50,001 - \$100,000; M=\$100,001 - \$250,000; N=\$250,001 - \$500,000; O=\$500,001 - \$1,000,000; P1=\$1,000,001 - \$5,000,000; P2=\$5,000,001 - \$25,000,000; P3=\$25,000,001 - \$50,000,000; P4=More than \$50,000,000

3. Value Method Codes: Q=Appraisal; R=Cost (Real Estate Only); S=Assessment; T=Cash Market; U=Book Value; V=Other; W=Estimated

**FINANCIAL DISCLOSURE REPORT**

Name of Person Reporting

Walker, Justin R.

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**VII. INVESTMENTS and TRUSTS** -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets)  Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
18. Fidelity, University of Louisville 403B Plan, FIB Total Market Index	A	Dividend	K	T	Exempt				
19. Elements Financial, Health Savings Account	A	Dividend	J	T	Exempt				

- 1. Income Gain Codes:      A = \$1,000 or less      B = \$1,001 - \$2,500      C = \$2,501 - \$5,000      D = \$5,001 - \$15,000      E = \$15,001 - \$50,000
- F = \$50,001 - \$100,000      G = \$100,001 - \$1,000,000      H1 = \$1,000,001 - \$5,000,000      H2 = More than \$5,000,000
- 2. Value Codes              J = \$15,000 or less      K = \$15,001 - \$50,000      L = \$50,001 - \$100,000      M = \$100,001 - \$250,000
- N = \$250,001 - \$500,000      O = \$500,001 - \$1,000,000      P1 = \$1,000,001 - \$5,000,000      P2 = \$5,000,001 - \$25,000,000
- P3 = \$25,000,001 - \$50,000,000
- 3. Value Method Codes      Q = Appraisal      R = Cost (Real Estate Only)      S = Assessment      T = Cash Market
- U = Book Value      V = Other      W = Estimated

**FINANCIAL DISCLOSURE REPORT**

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**VIII. ADDITIONAL INFORMATION OR EXPLANATIONS.** *(Indicate part of report.)*

**FINANCIAL DISCLOSURE REPORT**

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Name of Person Reporting	Date of Report
Walker, Justin R.	06/25/2019

**IX. CERTIFICATION.**

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: s/ Justin R. Walker

**NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)**

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

## FINANCIAL STATEMENT

### NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		84	068	Notes payable to banks-secured (auto)			
U.S. Government securities		1	150	Notes payable to banks-unsecured			
Listed securities – see schedule		208	294	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends		86	133	Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – see schedule		267	434
Real estate owned – see schedule		381	050	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		22	715				
Cash value-life insurance							
Other assets itemize:							
				Total liabilities		267	434
				Net Worth		515	976
Total Assets		783	410	Total liabilities and net worth		783	410
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Arc any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

## FINANCIAL STATEMENT

### NET WORTH SCHEDULES

#### Listed Securities

Apple stock	\$7,317.50
Vanguard Total Stock Market Index Fund Admiral Shares (SEP-IRA)	\$16,769.04
Vanguard Target Retirement 2045 Fund #1	\$21,632.59
Vanguard Target Retirement 2045 Fund #2	\$21,252.99
Vanguard Emerging Markets Stock Index Fund Admiral Shares	\$21,444.89
Vanguard Prime Money Market Fund	\$0.25
Vanguard Developed Markets Index Fund Admiral Shares	\$19,811.81
Vanguard Total Stock Market Index Fund Admiral Shares (Brokerage Account)	\$58,185.08
Conagra Brands stock	\$2,599.25
Fidelity University of Louisville 403B Retirement Plan #86701	\$39,281.00
Total Listed Securities	<u>\$208,294.40</u>

#### Real Estate Owned

Personal Residence	<u>\$381,050.00</u>
Total Real Estate Owned	<u>\$381,050.00</u>

#### Real Estate Mortgages Payable

Personal Residence – Mortgage	<u>\$267,434.05</u>
Total Real Estate Mortgages Payable	<u>\$267,434.05</u>

AFFIDAVIT

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

6/21/19

(DATE)

J Walker

(NAME)

Madelene Scully

(NOTARY)

My commission expires 5/6/22