

Q11(a). Bar and Court Admission

Please explain in greater detail exactly when and under what circumstances, you were suspended from the D.C. Bar for non-payment of dues. Include any documentation, notices from the Bar, cancelled checks, or correspondence, which would help us understand the facts and circumstances of your suspension. Also inform the Committee whether, during the time of your suspension, you appeared in any courts of the District of Columbia.

As reflected in my original response, there was an instance when my D.C. Bar license was suspended. The circumstances surrounding that suspension are set out below to the extent I have been able to reconstruct them. During the time of my suspension (September 30, 2004 – October 27, 2004), I did not appear in any courts of the District of Columbia, and I was an active member in good standing of the State of Texas Bar. My position at the White House at the time was Deputy Chief of Staff for Policy. Additionally, as previously indicated, my State of Texas Bar license was suspended for non-payment of dues from September 1 until September 26, 1989. That suspension was lifted, and my license was reinstated upon payment of the dues. The circumstances surrounding that suspension are set out below to the extent I have been able to reconstruct them.

District of Columbia Bar

As reflected in documents obtained from the D.C. Bar, I was suspended from the D.C. Bar on September 30, 2004, as a result of failing to pay my dues. On October 27, 2004, after paying my dues, late fees, and reinstatement fees, I was reinstated as an active member in good standing.

The D.C. Bar has provided copies of the following: (1) a Notice of Suspension for Non-Payment of Dues and/or Late Fees (dated October 12, 2004); and (2) a letter (dated October 23, 2004) from me to the D.C. Bar requesting that the D.C. Bar charge my MasterCard \$245.00 (the amount I then owed for all unpaid dues, late fees, and reinstatement fees) and reinstate my membership as an active member.

Although I do not recall receiving any notices from the D.C. Bar regarding my 2004-2005 dues, I have been informed that the practice of the D.C. Bar is to send each member a notice in May or June of each year, and two subsequent notices in July and August, before suspending the member for non-payment of dues. I also have been informed that any such notices would have been sent to the work address that was then on file with the D.C. Bar: White House Staff Secretary Office, Gd Floor WWing, 1600 Pennsylvania Avenue, Washington, D.C. 20502. Additionally, I understand that the D.C. Bar sends courtesy reminder e-mails to D.C. Bar members who have not paid their dues, but I cannot confirm receipt of any such e-mails at this time.

State of Texas Bar

In response to a request for all documents relating to this suspension, the State of Texas Bar has provided a certification from the Clerk of the Supreme Court of Texas that confirms that I was suspended from the active rolls for non-payment of dues on September 1, 1989, and was reinstated on September 26, 1989, the date my dues were paid, retroactive to the inception of the suspension.

The practice of Locke Purnell Rain & Harrell, the law firm for which I worked at the time (now known as Locke Liddell & Sapp), was to pay the bar dues of its attorneys. Locke Liddell & Sapp has provided me with a copy of a check from Locke Purnell Rain & Harrell (dated September 14, 1989) in the amount of \$120.00, which the firm indicates constituted payment of my bar dues.

In response to a request for all documents relating to this suspension, Locke Liddell & Sapp has provided copies of correspondence (dated July 1, 1989, September 1, 1989, and September 19, 1989) that the Supreme Court of Texas sent me regarding my delinquent dues and bar suspension. I do not now remember the events leading up to this suspension.

During the period of my suspension, I was serving as a Member-at-Large of the Dallas City Council, but continued to maintain my practice. I am informed that Locke Liddell & Sapp has conducted a diligent search of its records to determine whether I made any court appearances during this period. To their knowledge, I did not.

Q12(a). Memberships

Please supplement the responses to this question, cross-checking and consulting the attachments to the questionnaire or any other sources that may be available to you, so that as many dates of your membership in various organizations are included with as much precision as possible. Please provide greater detail in describing “the nature and objectives of each such organization,” paying particular attention to “the nature of your participation in each such organization.” While we realize that for some of these organizations there may not be “an officer or other person from whom more detailed information may be obtained,” please briefly describe your efforts in attempting to locate contact information for those organizations for which you found none.

Additional information was obtained by reviewing records in my possession, searching public records and the Internet, contacting Texas state agencies, and speaking with individuals with particular knowledge. The information provided is to the best of my knowledge and recollection.

Business Activities

1998 (approx.)-present: Harriet Miers P.C., President and Director. Harriet Miers P.C. is a corporation that is no longer active. I formed the entity in order to become a partner within the partnership at Locke Liddell & Sapp, LLP at the time of the merger between Locke Purnell Rain Harrell and Liddell Sapp Zively Laboon & Hill.

1994-1999: Attorneys' Liability Assurance Society (ALAS), Member, Board of Directors. ALAS is a mutual insurance company owned by the law firms it insures. ALAS provides professional liability insurance to its 249 member law firms, which include 53,000 lawyers. The ALAS Board of Directors consists primarily of senior partners of member firms. I worked on the claims management and loss prevention committee, and among other duties, helped to ensure that member firms avoided breaches of ethical standards. Address: 311 South Wacker Drive, Suite 5700, Chicago, Illinois 60606-6622. Contact: Richard Levy, Chairman of the Board, (441) 292-9989.

January 1993-April 2000: Capstead Mortgage Corporation, Member, Board of Directors; Member of Audit Committee (April 1993–April 2000); Chair of Audit Committee (April 1994–April 2000). Capstead is a mortgage investment firm operating as a real estate investment trust (“REIT”) that earns income from investing in real estate-related assets on a leveraged basis and from other investment strategies. Contact: Andrew Jacobs, President and CEO of Capstead Mortgage Corporation, (214) 874-2323.

December 1988-December 1992: Tyler Cabot Mortgage Securities Fund, Member, Board of Directors and Member, Audit Committee. Tyler Cabot was a mutual fund that invested mainly in mortgage securities until its merger into Capstead Mortgage Corporation in December 1992. From December 1988 until February 1991, it operated as Lomas Mortgage Securities Fund (which was a diversified, closed-end management investment company affiliated with Lomas Financial Corp., a major mortgage banking company). Contact: Andrew Jacobs, President and CEO of Capstead Mortgage Corporation, (214) 874-2323.

Mid-1980s-present: HM Investments, General Partner. I formed this partnership to hold various oil and gas interests. Address: 5115 Royal Crest Drive, Dallas, TX 75229.

Mid-1980s-1990s: HEM Investments, I formed this entity to hold investments. Address: 5115 Royal Crest Drive, Dallas, TX 75229.

September 1997-October 1998: Comerica Bank-Texas, Member, Board of Directors. Comerica Bank-Texas is an affiliate of Comerica Inc., a financial services company headquartered in Detroit. Contact: Sally Crocker, Texas Division, (214) 589-1400.

Community Leadership

2000: United Way, Chair, Women's Leadership Council. The Women's Leadership Council of the United Way is a non-profit social and philanthropic society. The purpose of the Council is to honor the contributions of women to the United Way and to help women impact their communities. As Chair, I presided over the Council and handled administrative issues such as membership. Contact: Rufus Moshay, Senior VP Marketing, United Way of Metropolitan Dallas, (214) 978-0040.

Fall 1998-January 2001: Dallas 2012 Committee, Member, Board of Directors. The Dallas 2012 Committee was a privately funded, non-profit organization authorized by the City of Dallas and

representing North Texas in a bid to become the U.S. Candidate City and, ultimately, to host the 2012 Olympic Games. The Dallas Committee's bid was eliminated on October 26, 2001. The organization no longer exists. Contact: Tom Luce, Former Chairman of the Board (currently with the U.S. Department of Education), (202) 260-7392.

1996-2000: Martindale-Hubbell/Lexis-Nexis Advisory Board, Member. The Martindale-Hubbell/Lexis-Nexis Legal Advisory Board provides Martindale-Hubbell and Lexis-Nexis with practitioner input to allow them to remain responsive to the constantly changing needs of the legal profession. Contact: Ed Biggalow, Human Resources, or Lou Duffy, (800) 526-4902.

1993-2005: Dallas Petroleum Club, Member. The Dallas Petroleum Club is a non-profit social and business organization for professionals in the petroleum industry. Although its membership has a majority concentration in the oil and gas industry, many professionals unrelated to the industry are also members. Contact: Paul Parchment, (214) 871-1500.

1992-1994; 1997-1999: Dallas Citizens Council, Member, Board of Directors. The Dallas Citizens Council is an organization that is composed of the leadership of many of the greater Dallas metropolitan area's most prominent business firms, specifically including the area's most prominent minority-owned and women-owned firms. Its purpose is to promote a favorable business climate and quality of life for Dallas residents. Contact: Donna Halstead, (214) 871-1500.

1987: Member, Progressive Voters League. In the late 1980s, the Democratic Progressive Voters League of Dallas County primarily interviewed and endorsed candidates for local and state elections. Although it was no longer the mass organization that it was in the 1930s-1950s, it maintained influence in local politics. The organization no longer exists. No contact information is available.

1997: Girls Incorporated of Metropolitan Dallas, Chair, Advisory Board. Girls Incorporated of Metropolitan Dallas is an affiliate of Girls, Incorporated, a national, non-profit youth organization that encourages girls to discover their identities and potential, and to participate in their community. The organization provides a variety of after-school and summer programs for girls at schools and other community locations. My role involved public outreach and awareness. Contact: Cecilia Boone, Dallas Chair, (214) 654-4530.

1987 (approx.): Mayor's Task Force on Crime, Member. The Task Force made recommendations to city leadership on police reforms. Contact: Rider Scott (469) 287-3900.

1985-2001: Center for American and International Law (formerly known as the Southwestern Legal Foundation), Member, Board of Trustees; Administrative Committee (1985-1993), Vice Chair (1993); Member, Executive Planning Committee (1994-2001); Master of the CAIL-sponsored Patrick Higginbotham Inn of Court (1989-2001). The Center is a non-profit educational institution that sponsors continuing legal education courses for lawyers and law enforcement personnel from the United States and other countries. It also publishes articles and other CLE material. A significant event during my tenure was the acquisition of a new location for the institution. Contact: Mark Smith, (972) 244-3400.

1983-present: Pioneer Bible Translators, Associate Member, Board of Directors (1983–1987); Member, Board of Directors (1987–1989); Member, Board of Consultants (1993– present). Pioneer Bible Translators is a non-profit organization that: (1) sponsors translation of the Bible into foreign languages and (2) trains and sends missionaries to various countries, including, *e.g.*, Papua New Guinea, Tanzania, and Ukraine. In addition to my duties on the Board of Directors and Board of Consultants, I provided pro bono legal advice to the organization. Contact: Rondal Smith, (972) 708-7460.

1974: Dallas Legal Services (now known as Legal Services of Northwest Texas), Member, Board of Directors. Legal Services of Northwest Texas is a pro bono legal aid organization that provides free legal services to low-income persons regarding housing, public benefits, education, the rights of children and the elderly, employment, and domestic law matters. Dallas Legal Services was absorbed by the Dallas Bar and rolled into Legal Aid of Northwest Texas in the early 1990s. Contact: Herese Cook, (214) 748-1234.

March 1986-May 1986: Southern Methodist University School of Law Dean Search Committee, Member. Contact: Dean John Attanasio, (214) 768-2621.

1975-1977: Young Women’s Christian Association of Metropolitan Dallas, Member, Board of Directors. The Young Women’s Christian Association is a non-profit organization that provides services to women, including health care, family counseling, youth programs, child care, and financial counseling. Contact: YWCA of Metropolitan Dallas, 4621 Ross Avenue, Dallas, TX 75204; (214) 826-9922.

1977: Child Care Dallas, Member, Board of Trustees. Child Care Dallas (now Child Care Group) serves low-income families by offering comprehensive child care and child development services through child care centers, family day homes, before- and after-school programs, and a baby center. The Board of Trustees is responsible for overseeing the organization’s mission, programs and services, and financial management. Contact: Susan Hoff, President, (214) 630-7911.

1985-1988: Dallas Chamber (now Greater Dallas Chamber). Member, Board of Directors; Member, Executive Committee; Chair, Government Relations-Local Affairs Committee; Chair, Health and Human Services Task Force; Member, Board of Directors Nominating Committee. The Greater Dallas Chamber is an alliance serving the business interests of the region. The Chamber’s priorities include promoting the economic development of the region, advocating public policy positions on key issues that affect the business community, and providing services and programs for members. I served on the Board of Directors and on the Executive Committee, which leads the Board of Directors in setting the Chamber’s policies. I also served as Chair of the Government Relations-Local Affairs Committee, which examined the needs of local governments and determined how the Chamber could better serve those needs. Contact: Jan Hart Black, President, (214) 746-6690.

1985-1990: Community Council of Greater Dallas, Member, Board of Directors. The Community Council of Greater Dallas is organized exclusively for charitable, scientific, and

educational purposes, to meet the community service needs in the Greater Dallas area. The organization's charitable functions include promoting the development of human services, such as medical care and support or relief for orphans, delinquent or handicapped children, abused or battered spouses or children, the impoverished, and victims of natural disasters. The Board of Directors is responsible for the management and administration of all the affairs of the Council. In particular, I conducted reviews of charitable organizations and their structures and activities, to determine their eligibility to receive funding. Contact: Martha Blaine, Executive Director, 1349 Empire Central Drive, Suite 400, Dallas, TX 75247, (214) 871-5065.

1985-1990: Goodwill Industries of Dallas, Member, Board of Directors. Goodwill Industries of Dallas is a non-profit corporation that provides employment, training, rehabilitation, and opportunities for personal growth for the disabled and the disadvantaged. The Board of Directors is responsible for the general direction, control, and management of the business of the corporation. Contact: Rod Ginther, (214) 638-2800.

1989- approx. 1992: Exodus Ministry, Inc., Board Member. Exodus Ministry is a non-denominational Christian organization that assists ex-offenders and their families. Its objectives include decreasing homelessness and unemployment among ex-offenders, and helping ex-offenders to find employment, to manage their finances, to reunite with their families, and to develop skills necessary for daily living. I served as a Board member with general responsibilities. Contact: Glenn Able, (214) 827-3772.

Late 1970s/early 1980s (approx.): Goals for Dallas, Chair, Higher Education Task Force. Goals for Dallas is a now-defunct local organization that was established after the assassination of President John F. Kennedy to help restore the reputation of the city by creating a forum in which Dallas citizens could participate in setting goals for the city's future. As Chair of the Higher Education Task Force, I led the organization's efforts in the realm of higher education reform. Contact: John Lewis, Former Executive Director, (214) 841-9501.

1994-1997: Resource Clearinghouse of the Volunteer Center of North Texas, Board Member. The Volunteer Center of North Texas is a non-profit organization that promotes volunteerism by working with individuals, groups, schools and the corporate community to recruit and refer volunteers and resources to over 1,500 non-profit agencies in the North Texas area. The Resource Clearinghouse of the Volunteer Center of North Texas seeks to strengthen the community and the non-profit sector by leveraging resources on behalf of the non-profit sector. I served a three-year term on the Board of the Resource Clearinghouse and served as a legal advisor to the Board. Contact: Julie Thomas, Executive Director, (214) 818-9847.

June 1989-March 2001: Southern Methodist University School of Law, Executive Committee. The Executive Committee examined and provided guidance on issues relating to the administration of the law school, including admissions and finances. Contact: Dean John Attanasio, (214) 768-2621.

1984-2000: Charter 100, Member. Charter 100 is an organization of Dallas women who are professional and civic leaders. The organization provides a forum for its 100 active members to

interact and participate in educational programs and lectures. Contact: Margaret Jackson, Executive Director, (214) 363-3284.

1985-1987: Magnet Center for Public Service: Government, Law and Law Enforcement. Member, Advisory Committee. The "Law Magnet" is a public magnet school of the Dallas Independent School District that provides a full-time educational program for students in the ninth through twelfth grades who are interested in careers in public affairs, law, law enforcement, and criminal justice. Composed of career professionals in the legal community, the advisory committee provides guidance on curriculum development and personnel selection, and serves as a channel to the fiscal and conceptual resources of the legal community in support of student activities. Contact: Robert Geisler, (972) 925-5950.

Date undetermined: Meals on Wheels Task Force, Member. Meals on Wheels is a non-profit organization that provides meals for elderly, homebound, disabled, frail, and at-risk people. No contact information is available.

1985-1996: Dallas Women's Foundation, Member. The Dallas Women's Foundation is a public foundation that promotes women's philanthropy and raises money to support community programs in the Dallas area that help women and girls realize their full potential. My participation in this organization was limited to financial contribution. Contact: Julie Bleicher, President, (214) 965-9977.

Date undetermined: Women's Center of Dallas, Member, Advisory Committee. The Women's Center of Dallas was a non-profit volunteer association dedicated to giving every woman the chance to achieve her maximum potential. Organization no longer exists. No contact information is available.

1997-approx. 2000: Dallas Forum (now IWF-Dallas), Member. This organization unites women of significant and diverse achievement; provides them an opportunity to share ideas, enrich each other's lives, and exert influence; and helps prepare future generations of women leaders. Contact: Margaret Jackson, Executive Director, (214) 363-3284.

Date undetermined: Dallas Plaza Athletic Club, Charter Member of the Board. The Dallas Plaza Athletic Club was an athletic and dining club. The club is no longer in business. Contact information not available.

Spring 1985-July 1997: Dallas Assembly, Member. The Dallas Assembly is an organization designed to educate and enlighten a diverse group of men and women leaders under the age of 50 and, through them, activate the community. Contact: Margaret Jackson, (214) 363-3284.

1986-1999: Better Business Bureau of Metropolitan Dallas, Member, Board of Directors. The Better Business Bureau system was founded in 1912 and is today supported by more than 300,000 local business members nationwide. It is dedicated to fostering fair and honest relationships between businesses and consumers, instilling consumer confidence, and contributing to an ethical business environment. All local Better Business Bureaus are private,

non-profit organizations funded by membership dues and other support. Contact: Ron Berry, (703) 276-0100.

1984: Dallas County Community Action Committee, Inc., Board Member. The Dallas County Community Action Committee is a private non-profit organization that builds affordable housing for low income people in Dallas County, operates a thrift store, accepts cash donations, runs Christmas programs for children, and provides housing and other services for the homeless. The organization asked the Dallas Bar Association to appoint a representative to its Board, and the Dallas Bar Association appointed me to serve. Contact: (214) 943-6696.

Former Government Leadership

1999-2000: City of Dallas Ethics Review Task Force, Vice-Chair. The Ethics Review Task Force was created to review and propose changes to the ethics guidelines governing the Dallas City Council. I was appointed Vice-Chair by a member of the City Council to provide leadership to the Task Force. Contact: Mary Poss, former member of the Dallas City Council, (214) 826-0779.

May 1995-March 2000: Texas Lottery Commission, Chair. The Texas Lottery Commission is an independent administrative agency established by the Texas Legislature in 1993 to exercise policy-making and regulatory authority over the Texas Lottery (a \$3.5 billion operation) and other lottery and bingo operations in the state. The Commission also adjudicates contested cases such as disputes over licensing decisions of the Commission. The Commission consists of three members appointed by the Governor and confirmed by the Texas Senate to serve six year terms without pay. The Commission has over 300 employees, four regional offices, more than 20 claims centers, and numerous licensees under the Commission's jurisdiction. As Chair, I led Commission meetings, oversaw the administrative aspects of the Commission's activities, and otherwise led the Commission in the discharge of its duties. Contact: Gary Grief, Acting Executive Director, (512) 344-5160.

February 1993-November 1995: Judicial Nominating Commission, Member and Chair (1994). The Judicial Nominating Commission recommends candidates to the Dallas City Council for appointment to Dallas municipal and administrative law judgeships. The Chair organized and ran the meetings. Contact: Marshall J. Doke, Jr., Chair, (214) 999-4733.

June 1989-November 1991: Dallas Police and Fire Pension System, Member, Board of Trustees. The Dallas Police and Fire Pension System is governed by a Board of Trustees composed of members of the Dallas City Council and representatives of the police and fire departments. The Board is responsible for general oversight of the police and fire pension system, including investing pension plan assets, authorizing benefits, hearing and litigating benefits claims, and providing financial oversight. I served on the Board of Trustees by virtue of my position as a Member-at-Large of the Dallas City Council. Contact: Lt. Gerald Brown, (214) 638-3863.

December 1991-May 1992: City Attorney Search Committee, Member. The Committee was formed by the Dallas City Council to search for the most qualified candidates to serve as City Attorney for Dallas. Contact: Judge Sam Lindsey, (214) 753-2365.

October 1989-November 1991: Ad Hoc Public Housing Committee, Member. The Committee was formed to address a federal lawsuit concerning a 3500-unit housing project in Dallas. In my capacity as a member of the Dallas City Council, I was appointed by the late Mayor Annette Strauss to serve on the Committee. I helped handle the negotiations that led to the settlement of the lawsuit. Contact: The Honorable Alphonso Jackson, Secretary, Department of Housing and Urban Development, Washington, D.C., (202) 708-1979.

June 1989-November 1991: Dallas City Council, Member-At-Large. The Dallas City Council is the elected legislative body for the City of Dallas. The City Council sets policy, approves annual budgets and capital improvement plans, determines tax rates, acquires debt, purchases and sells property, establishes municipal departments, approves ordinances, and determines services for the city. I was elected to the City Council as a Member-at-Large for a two-year term, although our council held over pending elections under a different election plan. Contact: City of Dallas, 1500 Marilla Street, Dallas, TX 75201; (214) 670-4054.

August 1987-August 1988: Community Development Advisory Committee, Member. I have no information about this group at this point in time. I believe I was appointed by either the late John Evans or former councilmember Jerry Bartos.

1989-1991: Railtran System Policy Committee, Member. The committee made policy recommendations to the City Councils of Dallas and Fort Worth regarding transportation issues along the Railtran corridor connecting Dallas and Fort Worth. The Railtran corridor was jointly developed and is jointly owned by the two cities. I was appointed to the committee by virtue of my position as a Member-at-Large of the Dallas City Council. No contact information is available.

1989-1992: North Texas Commission, Member, Board of Directors. The North Texas Commission is a non-profit consortium of businesses, cities, counties, chambers of commerce, economic development entities and higher education institutions in the North Texas region. Its mission is to enhance the overall economic vitality and quality of life of North Texas. I served on the Board of Directors as a representative of the Dallas City Council. Contact: Dan S. Petty, President & CEO, (972) 621-0400.

Date undetermined: Ad Hoc Committee to Review City Budget Process, Chair. Contact: Dallas City Hall, 1500 Marilla Street, Dallas, TX 75201; (214) 670-4054.

1985 Dallas County Bond Election, Member, Steering Committee. No contact information is available.

I have made my best efforts to include all organizations with which I have been affiliated. However, I may have been affiliated with other organizations for which I no longer have records or have been unable to locate records.

In any instance in which I have not provided dates, my records do not indicate that information, and I have been unable to verify the dates of affiliation after extensive research using public sources and personal contacts.

Q14(b). Public Office, Political Activities and Affiliations

Please supplement your answer to this question, listing all reports, memoranda, or policy statements prepared, produced with your participation, or produced under your guidance during the time in which you served in any public office, including your various positions at the Dallas Bar Association, the State Bar of Texas, the American Bar Association or any of your positions in the White House. Please also provide the Committee with any policy position documents or questionnaires you filled out while running for Dallas City Council. Specifically, if you sought particular group endorsements or responded to position questions by particular groups in the community, please describe and append relevant materials.

Texas Lottery Commission

As a member of the Texas Lottery Commission, I attended meetings of the Commission, participated in Commission debates, and voted on Commission business. The meeting minutes reflect opinions I expressed on issues before the Commission, and also reference or attach reports and memoranda produced by the Commission during my tenure with my participation or at my direction. The meetings and proceedings of the Texas Lottery Commission are transcribed and provided as follows:

June 29, 1995	WH1-00278-00365
August 12, 1995	WH1-00366-00370
September 12, 1995	WH1-00371-00375
November 3, 1995	WH1-00376-00379
November 22, 1995	WH1-00380-00382
December 21, 1995	WH1-00383-00385
January 8, 1996	WH1-00386-00389
February 21, 1996	WH1-00390-00394; WH1-01594-01858
March 30, 1996	WH1-00395-00399
April 23, 1996	WH1-00400-00402
May 28, 1996	WH1-00403-00406
July 10, 1996	WH1-00407-00409
July 22, 1996	WH1-00410-00411
August 28, 1996	WH1-00412-00415
October 17, 1996	WH1-00416-00420
November 26, 1996	WH1-00421-00424
January 7, 1997	WH1-00426-00429
February 14, 1997	WH1-00431-00436
March 4, 1997	WH1-00437-00439
March 17, 1997	WH1-00440-00442

March 18, 1997	WH1-00443-00447
May 9, 1998	WH1-00448-00452
May 20-21, 1997	WH1-00453-00454
June 9, 1997	WH1-00455-00458
June 30, 1997	WH1-00459-00463
July 11, 1997	WH1-00464-00465
September 2, 1997	WH1-00466-00496
September 6, 1997	WH1-00497-00562
October 6, 1997	WH1-00563-00730
December 16, 1997	WH1-00731-00774
January 5, 1998	WH1-00799-00817
February 11, 1998	WH1-00830-00871
February 23, 1998	WH1-00895-00906
April 9, 1998	WH1-00916-00944
May 30, 1998	WH1-00979-01016
July 11, 1998	WH1-01022-01086
August 20, 1998	WH1-01091-01249
October 29, 1998	WH1-01250-01320
November 10, 1998	WH1-01325-01363

During my term on the Lottery Commission, the Commission considered literally thousands of issues, and issued volumes of minutes, memoranda, correspondence, and other papers. Rather than attempt to list each such matter, the following provides a representative sampling of issues that came before the Commission during my tenure that might be of interest to the Committee.

WH1-00414	Draft rule on ability to accelerate prize payments in the event of death of the winner that would result in an estate tax burden.
WH1-00418	Commissioners vote to accept staff recommendation to oppose a judicial order assigning lottery winnings to a trust.
WH1-00393	A report to the legislature on minority participation in 1996.
WH1-00434	Directing staff to develop a legislative package on reforms to the open records statute, ethics rules statute, and others.
WH1-00464	Commission vote to reduce online service fee to lottery retailers.
WH1-00733-734; 00767-768; 01037-38	Commission in Executive Session considered lawsuits, including one involving the Department of Justice and the ADA.
WH1-01155	Discussion of Commission activity to avoid litigation over the Y2K computer problem.
WH1-01255	Discussion regarding the revocation of lottery licenses.
WH1-00745-750, 00752-753	Consideration of the legal and political issues relating to the definition of "bingo" in an amendment to the Texas Constitution, whether particular legislation was valid under that amendment, and the implications of Internal Revenue Code provisions relating to the definition of "bingo."
WH1-00761-765; WH1-00	Consideration of and ruling on recommendations of administrative judges in contested cases, including issues such as compliance and

In addition, I have included with this response documents from the Texas Lottery Commission that have just become available to me and, therefore, are not reflected in the above list.

Dallas City Council

During my two-year term on the Dallas City Council I attended Council meetings and took positions on public matters. The meetings of the Dallas City Council, including my votes on matters before the Council, are recorded as follows:

June 12, 1989	WH2-00001-00005	August 8, 1990	WH2-03094-03188
June 14, 1989	WH2-00006-00145	August 22, 1990	WH2-03189-03306
June 28, 1989	WH2-00146-00306	September 12, 1990	WH2-03308-03452
July 12, 1989	WH2-00307-00433	September 26, 1990	WH2-03453-03560
July 26, 1989	WH2-00434-00512	October 10, 1990	WH2-03561-03676
August 9, 1989	WH2-00513-00597	October 24, 1990	WH2-03677-03807
August 14, 1989	WH2-00598-00600	November 14, 1990	WH2-03802-03978
August 23, 1989	WH2-00601-00711	November 28, 1990	WH2-04079-04122
September 13, 1989	WH2-00712-00816	December 10, 1990	WH2-04123-04253
September 27, 1989	WH2-00817-00962	December 17, 1990	WH2-04254-04266
October 11, 1989	WH2-00963-01098	January 9, 1991	WH2-04267-04344
October 25, 1989	WH2-01099-01216	January 23, 1991	WH2-04345-04438
November 8, 1989	WH2-01217-01347	February 13, 1991	WH2-04439-04551
November 29, 1989	WH2-01348-01463	February 27, 1991	WH2-04552-04687
December 13, 1989	WH2-01464-01628	March 13, 1991	WH2-04688-04775
December 18, 1989	WH2-01629-01631	March 27, 1991	WH2-04776-04867
January 1, 1990	WH2-01632-01737	April 10, 1991	WH2-04868-04982
January 24, 1990	WH2-01738-01823	April 24, 1991	WH2-04983-05074
February 21, 1990	WH2-01824-01909	May 8, 1991	WH2-05075-05171
February 28, 1990	WH2-01910-02031	May 20, 1991	WH2-05172-05279
March 14, 1990	WH2-02032-02105	June 12, 1991	WH2-05280-05443
March 28, 1990	WH2-02106-02241	June 26, 1991	WH2-05434-05587
April 11, 1990	WH2-02242-02346	August 13, 1991	WH2-05588-05746
April 25, 1990	WH2-02347-02443	August 28, 1991	WH2-05747-05856
May 9, 1990	WH2-02443-02549	September 11, 1991	WH2-05857-05971
May 23, 1990	WH2-02550-02648	September 25, 1991	WH2-05972-06112
June 13, 1990	WH2-02649-02782	October 9, 1991	WH2-06113-06211
June 27, 1990	WH2-02783-02981	October 23, 1991	WH2-06212-06349
July 11, 1990	WH2-02892-02985	November 13, 1991	WH2-06350-06529
July 25, 1990	WH2-02986-03093	December 11, 1991	WH2-06530-06672

During my tenure on the Council, the Council considered and voted on literally thousands of issues. These votes are recorded in the foregoing records. Rather than attempt to reproduce each such vote and issue, the following provides a representative sampling of issues that came before the Council during my tenure that might be of interest to the Committee:

WH2-04447	Resolution to ratify revisions of the City's Civil Service Rules.
WH2-04454	Resolution directing City Attorney to seek Section 5 pre-clearance from the Department of Justice of the proposal to increase the number of terms that a city councilman may serve.
WH2-04564	Resolution to adopt a policy for development of a common framework for the appointment of members to serve on Council boards and commissions.
WH2-06358	An ordinance amending Chapter 19 of the Dallas City Code requiring proper cleanup and disposal of accidentally spilled or illegally dumped hazardous materials in the storm drainage system, or payment to the City for removal and disposal of the substance.
WH2-06440	An ordinance amending Chapter 41 of the Dallas City Code to expand the prohibition against smoking in facilities owned, operated, or managed by the City.
WH2-06368	A resolution supporting the Texas Racing Commission's granting of a Class 1 License for development of a horse racetrack in the City of Dallas, expressing the City's willingness to negotiate financial assistance for appropriate off-site infrastructure for such racetracks at either of two sites.
WH2-06479	Resolution urging the President of the United States to defend the nation from the importation of illegal drugs.
WH2-06484	Co-sponsored resolution offering support to the Board of Trustees of the Dallas Independent School District and the Commission for Educational Excellence.
WH2-06523	Resolution supporting the North Central Texas Council of Governments' application to the Texas Water Development Board for Grant Assistance for the Upper Trinity Feasibility Study in the amount of \$1 million.
WH2-00316	Resolution requesting that Congress pass a constitutional amendment to prohibit flag destruction.
WH2-00400	Ordinance amending special election ordinance.
WH2-00514	Council holds Executive Session to receive legal briefing on the Supreme Court's decision in <i>Richmond v. Croson</i> regarding municipal use of race-based affirmative action.
WH2-00600	Agenda item to receive report of the canvassing committee and adopt a resolution accepting the committee's report declaring the results of the city special election.
WH2-00728	Resolution commending President George H. W. Bush for his efforts in the war against drugs.
WH2-01066	Resolution strongly urging Texas state legislators to provide significant reforms to the Workers' Compensation legislation.

In connection with my campaign for Dallas City Council, I completed a number of questionnaires. Attached are responses to questionnaires that I have located since my response to the Judiciary Committee's questionnaire. These questionnaires address a wide range of topics

related to my candidacy and represent issues that were facing the City of Dallas or were of interest to the entity issuing the questionnaire.

Mexican-American Bar Association of Dallas
Lesbian/Gay Political Coalition of Texas
Barrios Unidos

Dallas Bar Association

Board of Directors Meetings

While I was a member of the Board of Directors and officer of the Dallas Bar Association, I attended Board of Directors' meetings and contributed to managing Association business. The Bar Association's work related principally to issues of importance to the Dallas-area legal community. The record of the Board of Directors' meetings and the Board's consideration of various issues is located at the page numbers listed below.

1980: WH3-00193—WH3-00238	1984: WH3-00384—WH3-00448
1981: WH3-00239—WH3-00280	1985: WH3-00449—WH3-00580
1982: WH3-00281—WH3-00333	1986: WH3-00581—WH3-00631
1983: WH3-00334—WH3-00383	

In addition, I have also provided a sample of issues considered by the Board during my tenure:

WH3-00197	Decision to commend the AARP for its work on nursing homes but declining to specifically endorse AARP publication on nursing homes (Feb. 28, 1980)
WH3-00197	Decision to assist the City of Dallas in drafting land purchasing procedures (Feb. 28, 1980)
WH3-00216	Decision to endorse a proposal that the filing of misdemeanor cases in Dallas County be done in a random and impartial manner (July 24, 1980)
WH3-00227	Decision to refer the matter of Central Legal Clinic to the State Bar for prosecution (Oct 23, 1980)
WH3-00243	Decision to support legislation regarding the non-partisan election of judges (Feb. 26, 1981)
WH3-00245	Decision to endorse the dispute mediation service for the greater Dallas community (Mar 26, 1981)
WH3-00246	Decision to send a representative to Washington, D.C., to oppose the elimination of funding of the National Legal Services (Mar 26, 1981)
WH3-00249	Decision to work with KNBN-TV to develop a weekly television segment to expand the legal knowledge of the Dallas-area community (Apr 23, 1981)
WH3-00268	Decision to send a congratulatory message to Sandra Day O'Connor on her appointment to the Supreme Court (Sept 24, 1981)
WH3-00286	Decision to endorse Louis J. Weber, Jr.'s candidacy for the president-

- elect of the State Bar of Texas (Feb 25, 1982)
- WH3-00287 Decision to send a letter to the Commissioner's Court expressing the Board's view on the issuance of bonds and the court's master space plan (Feb 25, 1982)
- WH3-00304-07 Discussion of the status of the Legal Services Corporation, reporting that funding of \$241 million through December 1982 had been authorized. Reviewed Dallas Bar Association's commitment to assist in involving the private bar in *pro bono* work (June 24, 1982)
- WH3-00441-43 Approval of request from SMU Mexican-American Studies Department to co-sponsor a reception honoring Joaquin Avila, president of the Mexican American Legal Defense and Educational Fund (MALDEF) (November 15, 1984)
- WH3-00441-43 Discussion of advisability of Association's participation with Dallas Chamber of Commerce and other organizations in researching problems with judicial selection in the state's metropolitan areas (November 15, 1984)
- WH3-00444-46 Discussion of steps that Association could take to indicate desire to improve the quality of the judiciary. Resolution adopted to take steps to lead, support, and promote efforts of organized bar to improve compensation of federal judges, including forwarding a copy of the resolution to U.S. Senators from Texas and Texas members of the U.S. House of Representatives and presentation of testimony and evidence before federal commission and Congress (December 20, 1984)
- WH3-00466-71 Opposition to proposed bond order to finance the design and construction of a building suitable to accommodate additional courts of law "because members of the legal profession are the custodians of the justice system and it is their duty to inform citizens of the impact improper planning will have on their lives" (February 28, 1985)

The Dallas Bar Foundation's work likewise related chiefly to issues of importance to the Dallas-area legal community. Its minutes are provided as follows:

- 1976-1979: WH3-00001-00032
 1980-1986: WH3-00033-00192

Also provided is a sample of issues considered during my tenure on the board of the Dallas Bar Association:

WH3-00099	Resolution regarding the construction of a new Dallas County courthouse (Nov. 8, 1984)
WH3-00123	Resolution regarding the condemnation of property in Dallas (Feb. 13, 1986)
WH3-00125	Resolution regarding the city mock trial program (Feb. 13, 1986)
WH3-00131	Resolution regarding the creation of the Sarah T. Hughes Diversity Law Fellowship Endowment Fund (May 21, 1986)
WH3-00137	Resolution regarding the endowment of the state mock trial program (Nov. 19, 1986)
WH3-00138	Resolution regarding a grant for the 1986 "Conference of the Professions" (Nov. 19, 1986)
WH3-00142-43	Resolution regarding the funding of the Sarah T. Hughes Diversity Law Fellowship (Feb. 19, 1987)

In addition, the reports and opinions of the Dallas Bar Association are recorded in its bi-weekly and monthly newsletters, which are provided as follows:

Bi-Weekly Newsletter

1982	WH3 07840-07882
1983	WH3 07948-08007
1984	WH3 08008-08078
1985	WH3 07883-07947
1986	WH3 08079-08133

*Dallas Bar Association Newsletter
"Headnotes"*

1980	WH3 08382-08465
1981	WH3 08466-08547
1982	WH3 08548-08628
1983	WH3 08134-08208
1984	WH3 08209-08310
1985	WH3 08311-08381
1986	WH3 08629-08718

Texas State Bar

Board of Directors Meetings

As President-Elect, President, and Immediate Past President of the Texas State Bar, I attended meetings of the Board of Directors. At each meeting I provided a report regarding some of the issues facing the Board at that time. My reports, along with the discussions of the Board, are recorded and provided as follows:

April 1994	Report of the Immediate Past President	WH3 10079-10315
Jan. 1994	Report of the Immediate Past President	WH3-10324-10689
Sept. 1993	Report of the Immediate Past President	WH3-10695-10780
June 1993	Report of the President	WH3-10787-10871
April 1993	Report of the President	WH3-10878-11043
Feb. 1993	Report of the President	WH3-11046-11074
Jan. 1993	Report of the President	WH3-11081-11257

Nov. 1992	Report of the President	WH3-08948-09071
Sept. 1992	Report of the President	WH3-09072-09155
June 1992	Report of the President Elect	WH3 09156-09349
May 1992	Report of the President-Elect	WH3-09354-09466
April 1992	Report of the President-Elect	WH3-09472-09781
Jan. 1992	Report of the President-Elect	WH3 09782-10078

While President of the Texas State Bar, I represented the bar at meetings of the American Bar Association House of Delegates. In that capacity, I engaged in a debate over whether the ABA should take an official stand on the issue of abortion. On behalf of the Texas State Bar, I urged the House of Delegates to adopt a neutral stand, rather than take one side or the other, which I argued would unnecessarily divide and undermine the ABA. Documents relating to the State Bar's position are provided at WH3-01296-322 and the Texas State Bar's Neutrality Resolution is available at WH3-08970.

As President of the Texas State Bar, I also worked to ensure that individuals of all backgrounds had an equal opportunity to succeed in the legal profession. Those steps included providing support to minority law students, increasing minority participation in bar activities, and encouraging firms to provide opportunities to minorities. Many Texas firms, including my own, participated in this effort on a voluntary basis.

Standing Committee on Legal Services to the Poor in Civil Matters

While a member of the Texas State Bar I served on the Standing Committee on Legal Services to the Poor in Civil Matters. The minutes of the Committee are provided as follows:

1995-1999: WH3-08850—WH3-08947

The Committee considered many issues, and issued numerous reports. A representative sample follows:

WH3-01126	Plan for State Bar of Texas Action to Increase Pro Bono Participation.
WH3-08759	Discussion of whether voluntary mediation services should come within the State Bar's definition of eligible pro bono services.
WH3-08759	Discussion of whether services provided at a significantly reduced fee in criminal matters should be included within the definition of eligible pro bono services where the reduction is agreed to by the attorney as a service to the court/community.
WH3-08853	Discussion of local efforts to support budget legislation for the Legal Service Corporation.
WH3-08899-901	Discussion of whether to adopt mandatory pro bono requirements.
WH3-08904-05; WH3-08910; WH3-08913-17;	Discussion of the definition of pro bono activities.

WH3-08919-21
 WH3-08909 Coordination of State Bar support for civil legal services for the poor.
 WH3-08917 The potential use of punitive damages as a funding source.
 WH3-08932 Discussion of the unmet legal needs of the disadvantaged.
 WH1-01928 – Report on the Legal Services Corporation to the Office of the
 01939 Governor.
 WH3-01126-27 State Bar of Texas Annual Committee Reports, Report of the
 Committee on Legal Services to the Poor in Civil Matters, Texas Bar
 Journal.

American Bar Association

As indicated in response to Question 10, I held more than 20 committee positions and leadership roles during my tenure with the ABA. The deliberations and conclusions of these committees are contained in the records of the ABA to the extent they are available. I have highlighted the following from the records made available to me by the ABA.

ABA House of Delegates

The ABA House of Delegates each year considers numerous issues of national significance. At each midyear and annual meeting during my tenure, the House of Delegates considered many resolutions, reports, and other matters. The House of Delegates traditionally does not hold formal votes. In the event that the outcome is not clear from the “yeas” and “nays,” the House will divide for a head-count. In no event are individual votes recorded. I therefore have no record of how I voted on particular matters. Moreover, by tradition, the members of the Rules and Calendar Committee do not participate in House debate, nor do they vote in any visible manner. I served on that committee from 1994-1996, and again from 1999-2000. The records of the consideration of various items are located as noted below, along with a sample of issues taken up by the House of Delegates at each meeting:

1992 Annual Meeting	Summary of the Action of the House of Delegates (WH3-02155-WH3-02229): The House of Delegates considered issues including campaign finance reform (WH3-02172); homelessness and poverty (WH3-02172-73); the International Criminal Court (WH3-02173); and public education about the law and justice system (WH3-02177-78).
1992 Midyear Meeting	Summary of the Action of the House of Delegates (WH3-02230-93): The House of Delegates considered issues including regulation of the legal profession (WH3-02236-45); sexual harassment in the legal profession (WH3-02248); pretrial discovery in civil cases (WH3-02252-53); and educational programs in the correctional system (WH3-02254-55).
1994	Summary of the Action of the House of Delegates (WH3-02294-WH3-02368): The House of Delegates considered numerous

issues including ethical standards relating to trial publicity (WH3-02305-08); gun violence (WH3-02310-11); legal assistance for military personnel (WH3-02313); and the family court system (WH3-02317-18).

- 1994 Midyear Meeting Summary of Action of the House of Delegates (WH3-02369-WH3-02422): The House of Delegates considered numerous issues including anti-gun measures (WH3-02380); endorsing the ratification of the U.N. Convention on the Rights of Children, including a prohibition of corporal punishment (WH3-02386); and supporting legislation providing for healthcare for all individuals (WH3-02389).
- 1994 Annual Meeting Summary of Action of the House of Delegates (WH3-02294-WH3-02368): The House of Delegates considered issues including reports on gun violence and anti-gun measures (WH3-02310); the unmet legal needs of children and families (WH3-02317); the International Criminal Court (WH3-02325); the State of Texas Bar Report dealing with racial quotas for the ABA Board of Governors (WH3-02337); and sentencing issues (WH3-02347).
- 1995 Midyear Meeting Summary of Action of the House of Delegates (WH3-02423-WH3-02482): The House of Delegates considered issues including a constitutional amendment that would permit prayer in public schools (WH3-02440); jurisdiction-stripping provisions for cases involving First Amendment issues (WH3-02449); and the denial of welfare benefits, including education benefits, on the basis of immigration or citizenship status (WH3-02453).
- 1995 Annual Meeting Summary of Action of the House of Delegates: The House of Delegates considered issues including opposition to reduced funding for legal services (WH3-02502); affirmative action (WH3-02511); and whether the United States should rejoin UNESCO (WH3-02513).
- 1996 Midyear Meeting Summary of Action of the House of Delegates (WH3-02562-WH3-02611): The House of Delegates considered issues including the unmet legal needs of children (WH3-02572); domestic violence (WH3-02568); gun violence (WH3-02569); and federal judicial improvement (WH3-12569).
- 1996 Annual Meeting Summary of Action of the House of Delegates (WH3-02612 – WH3-02672): The House of Delegates considered issues including domestic violence (WH3-02628); unmet legal needs of children (WH3-02632); sentences for HIV sufferers convicted of crimes (WH3-02635); and labor and employment law (WH3-02688).

- 1997 Midyear Meeting Summary of Action of the House of Delegates (WH3-02673-WH3-02714): The House of Delegates considered issues including domestic violence (WH3-02680); homelessness (WH3-02683); and criminal justice (WH3-02688).
- 1997 Annual Meeting Summary of Action of the House of Delegates (WH3-02715-WH3-02781): The House of Delegates considered issues including domestic violence (WH3-02726); environmental law (WH3-02726); immigration law (WH 3-02728); and legal assistance for military personnel (WH 3-02722).
- 1998 Annual Meeting Summary of Action of House of Delegates (WH3-03105-WH3-03184). The House of Delegates considered issues including campaign finance reform (WH3-03117-18); legal aid and indigent defendants (WH3-03121-22); and disputes with managed health care plans (WH3-03124-25).
- 1998 Midyear Meeting Summary of action of the House of Delegates (WH3-02782-WH3-02836): The House of Delegates considered issues including election law (WH3-02789); domestic violence (WH3-02789); judicial independence (WH3-02791); and the unmet legal needs of children (WH3-02795).
- 1999 Annual Meeting Summary of action of the House of Delegates (WH3-02837-WH3-02923): The House of Delegates considered issues including judicial independence (WH3-02842); election law (WH3-02847); environmental law (WH3-02848); and federal judicial improvement (WH3-02849).
- 1999 Midyear Meeting Summary of action of the House of Delegates (WH3-02924-WH3-02979): The House of Delegates considered issues including federal judicial improvement (WH3-02930); election law (WH3-02930); immigration law (WH3-02930); medical professional liability (WH3-02935); and ERISA (WH3-02943).
- 2000 Annual Meeting Summary of Action of House of Delegates (WH3-02980-WH3-03034). The House of Delegates considered issues including legal assistance for military personnel (WH3-02988-89); Hague Private International Law Convention on the International Protection of Adults (WH3-02992); and education of the public in the law (WH3-02992).
- 2000 Midyear Meeting Summary of Action of House of Delegates (WH3-03035-WH3-03104). The House of Delegates considered issues including protection of adult and child domestic violence victims (WH3-

03044-45); election laws and the Internet (WH3-03045-47); and access to the justice system for limited and non-English-speaking people (WH3-03051).

ABA Journal Board of Editors

I served almost a full decade as a member of the Board of Editors of the Journal of the American Bar Association. At the end of six years, I was selected by my colleagues to serve as the Chair of the Board of Editors and did so for three years. We redesigned the magazine during my tenure. The Board handled a number of issues for the magazine, including advertising sales, editorial content, the magazine's relationship to the ABA, writers and other staff, and budgets. Those meetings are recorded and provided as follows:

Report of Proceedings, 1/8-10/1998	WH3-03248 – 03250
Report of Proceedings, 1/9-11/1997	WH3-03258 – 03261
Report of Proceedings, 6/5-6/1997	WH3-03263 – 03264
Report of Proceedings, 9/11-13/1997	WH3-03303
Proposal Concerning ABA Journal Finances, 7/20/1995	WH3-03320 – 03331
Board Minutes 9/15/1989	WH3-03334 – 03342
Board Minutes 1/11-13/1990	WH3-03343 – 03352
Board Minutes 6/28-29/1990	WH3-03353 – 03372
Board Minutes 9/13-14/1990	WH3-03373 – 03377
Board Minutes 1/3-5/1991	WH3-03392 – 03401
Board Minutes 6/23-25/1991	WH3-03402 – 03412
Board Minutes 9/13/1991	WH3-03413 – 03421
Board Minutes 1/8-11/1992	WH3-03422 – 03430
Board Minutes 6/25-26/1992	WH3-03431 – 03441
Board Minutes 9/17-18/1992	WH3-03442 – 03448
Board Minutes 1/7-9/1993	WH3-03449 – 03464
Board Minutes 6/3-4/1993	WH3-03481 – 03492
Board Minutes 9/8-9/1993	WH3-03493 – 03502
Board Minutes 1/6-8/1994	WH3-03503 – 03511
Board Minutes 6/26-28/1994	WH3-03512 – 03518
Board Minutes 9/7-8/1994	WH3-03519 – 03526
Board Minutes 1/19-21/1995	WH3-03532 – 03541
Board Minutes 6/27-28/1995	WH3-03542 – 03551
Board Minutes 9/14-16/1995	WH3-03552 – 03561
Board Minutes 1/18-20/1996	WH3-03562 – 03575
Board Minutes 1/27-28/1996	WH3-03576 – 03581
Board Minutes 9/5-6/1996	WH3-03582 – 03589
Board Minutes 1/9-11/1997	WH3-03590 – 03600
Board Minutes 6/5-7/1997	WH3-03608 – 03614
Board Minutes 9/11-13/1997	WH3-03615 – 03621
Board Minutes 1/8-10/1998	WH3-03622 – 03630
Board Minutes 6/4-6/1998	WH3-03640 – 03644

Miscellaneous ABA Reports, Memoranda, and Meeting Minutes

I have also identified the following additional reports, memoranda, and minutes of meetings produced by various committees of the ABA during my service:

Two Nationwide Surveys: 1989 Pilot Assessments of the Unmet Legal Needs of the Poor and of the Public Generally (ABA Consortium on Legal Services and the Public, Sept. 1989).

Legal Needs and Civil Justice: A Survey of Americans – Major Findings of the Comprehensive Legal Needs Study (ABA Consortium on Legal Services and the Public, March 1994)

Findings of the Comprehensive Legal Needs Study, Conducted by the Institute for Survey Research at Temple University for the ABA Consortium on Legal Services and the Public, (Jan. 1984)

Innovative Fundraising Ideas for Legal Services – 1998 Edition (ABA Standing Committee on Legal Aid and Indigent Defendants-Project to Expand Resources for Legal Services, July 1998)

Agenda for Access: The American People and Civil Justice – Final Report on the Implications of the Comprehensive Legal Needs Study (ABA Consortium on Legal Services and the Public, May 1996)

Civil Justice: An Agenda for the 1990s – Report of the American Bar Association National Conference on Access to Justice in the 1990s (June 1989)

Civil Justice: An Agenda for the 1990s – Papers of the American Bar Association National Conference on Access to Justice in the 1990s (June 1989)

Draft Minutes of the Council of the Fund for Justice and Education (April 13, 2000)

Draft Minutes of the Council of the Fund for Justice and Education (July 9, 2000)

ABA Consortium on Legal Services and the Public: Minutes of Meeting (Aug. 8, 1987)

ABA Consortium on Legal Services and the Public: Minutes of Meeting (Sept. 25-26, 1987)

ABA Consortium on Legal Services and the Public: Minutes of Meeting (Feb. 7, 1988)

ABA Consortium on Legal Services and the Public: Minutes of Meeting (Aug. 7, 1988)

ABA Consortium on Legal Services and the Public: Minutes of Meeting (Dec. 3, 1988)

ABA Consortium on Legal Services and the Public: Minutes of Meeting (June 9, 1989)

ABA House of Delegates – Daily Journal – Report of Action Taken at 1992 Annual Meeting (Aug. 11-12, 1992)

ABA House of Delegates – Daily Journal – Report of Action Taken at 1993 Midyear Meeting (Feb. 8-9, 1993)

ABA House of Delegates – Daily Journal – Report of Action Taken at 1993 Annual Meeting (Aug. 10, 1993)

ABA House of Delegates – Daily Journal – Report of Action Taken at 1994 Midyear Meeting (Feb. 7-8, 1994)

ABA House of Delegates – Daily Journal – Report of Action Taken at 1994 Annual Meeting (Aug. 9-10, 1994)

ABA House of Delegates – Daily Journal – Report of Action Taken at 1995 Midyear Meeting (Feb. 13-14, 1995)

ABA House of Delegates – Daily Journal – Report of Action Taken at 1995 Annual Meeting (1995)

ABA House of Delegates – Daily Journal – Report of Action Taken at 1996 Midyear Meeting (Feb. 5, 1996)

ABA House of Delegates – Daily Journal – Report of Action Taken at 1996 Annual Meeting (Aug. 5-6, 1996)

ABA House of Delegates – Daily Journal – Report of Action Taken at 1997 Midyear Meeting (Feb. 3, 1997)

ABA House of Delegates – Daily Journal – Report of Action Taken at 1997 Annual Meeting (Aug. 5-6, 1997)

ABA House of Delegates – Daily Journal – Report of Action Taken at 1998 Midyear Meeting (Feb. 2, 1998)

ABA House of Delegates – Daily Journal – Report of Action Taken at 1998 Annual Meeting (Aug. 3-4, 1998)

ABA House of Delegates – Daily Journal – Report of Action Taken at 1999 Midyear Meeting (Feb. 8, 1999)

ABA House of Delegates – Daily Journal – Report of Action Taken at 1999 Annual Meeting (Aug. 9-10, 1999)

ABA House of Delegates – Daily Journal – Report of Action Taken at 2000 Midyear Meeting (Feb. 14, 2000)

ABA House of Delegates – Daily Journal – Report of Action Taken at 2000 Annual Meeting (July 10-11, 2000)

ABA House of Delegates – Daily Journal – Report of Action Taken at 2001 Midyear Meeting (Feb. 19, 2001)

Letter to Various Organizations regarding the Commission on Multijurisdictional Practice and the upcoming 2001 ABA midyear meeting (issued sometime between Sept. 2000 and Feb. 2001)

Harriet Miers, Proposal for the 1998 Annual Meeting to amend the ABA Constitution to allow the Attorney General of the United States to designate the Associate Attorney General, Deputy Attorney General, or the Solicitor General to serve in the Attorney General's stead in the ABA House of Delegates (1998)

Harriet E. Miers, ABA Study of Multistate Practice is on Fast Track, Commission on Multi-jurisdictional Practice (Aug. 2000 - Mar. 2001)

M. Peter Moser, Memorandum to Harriet E. Miers, et al. re: Commission on Multijurisdictional Practice, Maryland Statutes and Rules (Oct. 4, 2000)

Agenda for Multi-Disciplinary Practice / Multijurisdictional Practice Roundtable (Sept. 8, 2000)

Letter from Louis A. Mezzullo, Chair, ABA Real Property, Probate and Trust Law Section to Harriet Miers re: Section comments regarding revisions to the laws and regulations governing the multi-jurisdictional practice of law (Jan. 23, 2001)

Harriet E. Miers, ABA Study of Multistate Practice is on Fast Track, The Affiliate (Nov./Dec. 2000)

Harriet E. Miers, Multijurisdictional Practice of Law Issues (undated)

Harriet Miers, Proposal for the 1998 Annual Meeting (ultimately withdrawn) to amend the ABA Constitution to clarify the criteria for counting law student members in determining whether a local bar association is eligible for representation in the House of Delegates (1998)

Harriet Miers, Memo to Bar Leaders re: Public hearing on the multijurisdictional Practice of Law (Sept. 14, 2000)

The White House Service

During my time as Deputy Chief of Staff for Policy, I managed many policy issues. The scope of policy work in the White House is illustrated in part by the fact sheets that the White House distributes on a regular basis. The publicly-available documents listed below are fact sheets issued during my time as Deputy Chief of Staff for Policy, and are being provided to the Committee with this letter. The scope of White House policy work is also well illustrated by the Statements of Administration Position that have been issued through the Office of Management and Budget. Statements of Administration Position that raise constitutional issues are listed in my response to Question 17 in this letter; such statements that do not raise constitutional issues are listed below, and are being provided to the Committee with this questionnaire.

White House Fact Sheets

1. Ensuring Justice and Fairness for All Americans (February 2, 2005)
2. Helping America's Youth (February 2, 2005)
3. Improving Care and Saving Lives Through Health IT (January 27, 2005)
4. No Child Left Behind--High-Quality, High School Initiatives (January 12, 2005)
5. Strengthening the Social Security System for Future Generations (January 11, 2005)
6. Securing Our Economic Future (December 15, 2004)
7. Fighting Corruption, Ensuring Transparency (November 21, 2004)
8. Expanding Trade, Fighting Corruption (November 21, 2004)
9. Ensuring Security, Promoting Prosperity (November 21, 2004)
10. Honoring the Courage of America's Veterans (November 11, 2004)
11. Fulfilling the President's Commitment to Hurricane Victims (October 14, 2004)
12. Elections in Afghanistan (October 6, 2004)
13. Providing Needed Relief to Hurricane Ravaged Areas (October 5, 2004)
14. Tax Relief (October 4, 2004)
15. America's Teachers: Fulfilling the Promise of No Child Left Behind (September 22, 2004)
16. President Issues New Orders to Reform Intelligence (August 27, 2004)
17. Making America More Secure by Transforming Our Military (August 16, 2004)
18. Honoring Our Commitment to America's Veterans (August 16, 2004)
19. The Columbia River Channel Deepening Project (August 13, 2004)
20. Skills to Build for America's Future (August 12, 2004)
21. Medicare Drug Discount Cards Help Seniors Save on Prescription Drug Costs (August 11, 2004)
22. America's Ownership Society: Expanding Opportunities (August 9, 2004)
23. Expanding Access and Increasing the Affordability of Health Insurance Through Health Savings Accounts (August 9, 2004)
24. Conservation Initiatives Fact Sheet (August 4, 2004)
25. Compassion for Americans in Need (August 3, 2004)

26. Making America Safer by Strengthening Our Intelligence Capabilities (August 2, 2004)
27. Encouraging Minority Entrepreneurship (July 23, 2004)
28. Progress in the War on Terror (July 21, 2004)
29. Judicial Nominees (July 7, 2004)
30. Operation Predator (July 7, 2004)
31. Over 1.5 Million Jobs Created Since August with 10 Straight Months of Job Gains (July 2, 2004)
32. Fact Sheet: Nato-Ukraine Relations (June 29, 2004)
33. Partnership for Peace and the Euro-Atlantic Partnership Council (June 28, 2004)
34. NATO Contributions to Olympic Security (June 28, 2004)
35. Nato-Russia Relations (June 28, 2004)
36. The Istanbul Cooperation Initiative (June 28, 2004)
37. Trafficking in Persons (June 28, 2004)
38. U.S.-EU Summit: Cooperation to Combat Terrorists and Other Serious Criminals (June 26, 2004)
39. U.S.-EU Summit: Declaration on the Nonproliferation of Weapons of Mass Destruction (June 26, 2004)
40. U.S.-EU Summit: Cooperation on the Development of the Hydrogen Economy (June 26, 2004)
41. U.S.-EU Summit: Fighting the Challenge of the HIV/AIDS Epidemic (June 26, 2004)
42. U.S.-EU Summit: Agreement on GPS-Galileo Cooperation (June 26, 2004)
43. U.S.-EU Summit: Strengthening the Transatlantic Economic Partnership (June 26, 2004)
44. Extending and Improving the Lives of Those Living with HIV/AIDS (June 23, 2004)
45. Supporting America's Small Businesses (June 17, 2004)
46. Medicare Drug Discount Cards Help Seniors Save on Prescription Drug Costs (June 14, 2004)
47. Global HIV Vaccine Enterprise (June 10, 2004)
48. G-8 Leaders' Trade Statement (June 10, 2004)
49. Commitment to Eradicate Polio (June 10, 2004)
50. Ending Famine Fact Sheet (June 10, 2004)
51. Middle East/N. Africa Fact Sheet (June 9, 2004)
52. America's Compassion in Action (June 1, 2004)
53. Overview of the Foreign Narcotics Kingpin Designation Act (June 1, 2004)
54. Expanding Access to Health Care for Millions of Americans (May 25, 2004)
55. The Transition to Iraqi Self-Government (May 24, 2004)
56. No Child Left Behind Is Making a Difference for America's Children (May 11, 2004)
57. Implementing the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (May 11, 2004)
58. Report of the Commission for Assistance to a Free Cuba (May 6, 2004)
59. BioDefense Fact Sheet (April 28, 2004)
60. President Announces Wetlands Initiative on Earth Day (April 22, 2004)
61. President Bush Calls for Renewing the USA PATRIOT Act (April 19, 2004)
62. Millions of American Families Are Benefiting from the President's Tax Relief (April 15, 2004)
63. Better Education for Better Jobs (April 6, 2004)

64. Economy Fact Sheet (March 30, 2004)
65. Dismantling the Barriers to Homeownership Fact Sheet (March 26, 2004)
66. Affordable Health Care for America's Families (March 16, 2004)
67. Expanding Homeownership for All Americans (March 15, 2004)
68. International Women's Week (March 12, 2004)
69. Opening New Markets for America's Workers (March 10, 2004)
70. Compassion in Action: Helping America's Charities Serve Those Most in Need (March 3, 2004)
71. President Highlights a More Secure America on First Anniversary of Department of Homeland Security (March 2, 2004)
72. Strengthening International Efforts Against WMD Proliferation (February 11, 2004)
73. Tax Relief Is Strengthening Our Economy (February 9, 2004)
74. 112,000 Americans Find Work in January (February 6, 2004)
75. Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (February 6, 2004)
76. Protecting America's Seaports and Securing Cargo Shipments (February 5, 2004)
77. Budget Fact Sheet (February 2, 2004)
78. Making Life Better for America's Consumers (February 2, 2004)
79. USA Freedom Corps Celebrates Two-Year Anniversary (January 29, 2004)
80. The President's Health Care Agenda (January 28, 2004)
81. Protecting Communities by Helping Returning Inmates Find Work (January 23, 2004)
82. Seeking Fair Treatment for Faith-Based and Community Charities (January 23, 2004)
83. Progress in the War on Terror (January 22, 2004)
84. Jobs for the 21st Century (January 21, 2004)
85. Progress in Helping Americans Most in Need Through Faith-Based and Community Initiatives (January 15, 2004)
86. President Bush Announces New Vision for Space Exploration Program, Fact Sheet: A Renewed Spirit of Discovery (January 14, 2004)
87. Lowering the Cost of Remittances (January 13, 2004)
88. U.S. Accomplishments at the Special Summit of the Americas (January 13, 2004)
89. President Bush Urges Congress to Make Tax Cuts Permanent (January 10, 2004)
90. America's Economy on the Path to Recovery (January 9, 2004)
91. President Bush Celebrates 2nd Anniversary of No Child Left Behind Act (January 8, 2004)
92. Fair and Secure Immigration Reform (January 7, 2004)
93. Guidance Released on Health Savings Accounts (HSAs) (December 23, 2003)
94. The President's National Security Strategy to Combat WMD, Libya's Announcement (December 19, 2003)
95. President Bush Signs Anti-Spam Law (December 16, 2003)
96. Expanding Homeownership Opportunities for All Americans (December 16, 2003)
97. 2003: A Year of Accomplishment for the American People (December 13, 2003)
98. Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (December 8, 2003)
99. Commission for Assistance to a Free Cuba (December 8, 2003)
100. 57,000 Americans Find Work in November (December 5, 2003)

101. President Bush Signs the Fair and Accurate Credit Transactions Act of 2003 (December 4, 2003)
102. The Presidential Determination on Steel (December 4, 2003)
103. President Bush Signs the Fair and Accurate Credit Transactions Act of 2003 (December 4, 2003)
104. President Bush Signs Healthy Forests Restoration Act Into Law (December 3, 2003)
105. A Great Day for America's Seniors (November 25, 2003)
106. President Calls on Congress to "Finish the Job" - Pass a Medicare Prescription Drug Benefit for Seniors (November 13, 2003)
107. President Bush Calls for a "forward Strategy of Freedom" to Promote Democracy in the Middle East (November 6, 2003)
108. Health Security Initiative (October 21, 2003)
109. New APEC Initiatives on Counterterrorism (October 21, 2003)
110. Energy Security Initiative (October 21, 2003)
111. U.S. Expands Digital Freedom Initiative to Indonesia and Peru (October 21, 2003)
112. APEC Announces Important Commitments on Security (October 21, 2003)
113. U.S. Accomplishments at the APEC Summit: Day Two (October 21, 2003)
114. APEC Pledges to Improve Transparency and Fight Corruption (October 20, 2003)
115. U.S. Actions at the APEC Summit: Day One (October 20, 2003)
116. Free Trade and Thailand (October 20, 2003)
117. Expanding Homeownership Opportunities and Strengthening Our Economy (October 15, 2003)
118. Cuba (October 10, 2003)
119. Building Momentum for New Job Creation (October 9, 2003)
120. Preventing Domestic Violence (October 8, 2003)
121. FY 2004 Budget (October 1, 2003)
122. HIV/AIDS (September 27, 2003)
123. U.S.-Russia Commercial Energy Summit (September 27, 2003)
124. Russian-American Banking Dialogue (September 27, 2003)
125. Cooperation in Housing and Urban Development (September 27, 2003)
126. Export-Import Bank (September 27, 2003)
127. Russian-American Business Dialogue (September 27, 2003)
128. U.S.-Russian Commercial Investments (September 27, 2003)
129. White House Office of Faith-Based and Community Initiatives (September 22, 2003)
130. Clear Skies: A Clear Improvement for the Environment (September 16, 2003)
131. Request for Additional FY 2004 Funding for the War on Terror (September 8, 2003)
132. President Bush Outlines Six Point Plan for the Economy (September 4, 2003)
133. Proliferation Security Initiative (September 4, 2003)
134. Strengthening and Caring for America's National Parks (August 15, 2003)
135. President Visits Philadelphia to Discuss Economy and Child Tax Credit (July 24, 2003)

Statements of Administration Policy

1. S.J. Res. 40, Federal Marriage Amendment (July 12, 2004)
2. S. 1072, Safe, Accountable, Flexible, and Efficient Transportation Equity Act (February 11, 2004)

3. S. 2061, Healthy Mothers and Healthy Babies Access to Care Act (February 24, 2004)
4. S. 1805, Protection of Lawful Commerce in Arms Act (February 24, 2004)
5. S. 1637, Jumpstart Our Business Strength (JOBS) Act (March 4, 2004)
6. S. 2207, Pregnancy and Trauma Care Access Protection Act of 2004 (April 7, 2004)
7. S. 2290, Fairness in Asbestos Injury Resolution Act of 2004 (April 19, 2004)
8. S. 15, Project BioShield Act of 2004 (May 19, 2004)
9. S. 2559, Department of Defense Appropriations Bill, FY 2005 (June 24, 2004)
10. S. 2062, Class Action Fairness Act of 2004 (July 7, 2004)
11. S. 2674, Military Construction Appropriations Bill, FY 2005 (September 20, 2004)
12. H.J. Res. 106, Marriage Protection Amendment (September 30, 2004)
13. H.R. 3108, Pension Funding Equity Act (January 22, 2004)
14. H.R. 3030, Improving the Community Services Block Grant Act (February 4, 2004)
15. H.R. 1997, Unborn Victims of Violence Act or 'Laci and Conner's Law' (February 25, 2004)
16. H.R. 339, Personal Responsibility in Food Consumption Act (March 10, 2004)
17. H.R. 3717, Broadcast Decency Enforcement Act of 2004 (March 11, 2004)
18. H.R. 3873, Child Nutrition Improvement and Integrity Act of 2004 (March 24, 2004)
19. H.R. 1768, Multidistrict Litigation Restoration Act of 2004 (March 24, 2004)
20. H.R. 1997, Unborn Victims of Violence Act or 'Laci and Conner's Law' (March 25, 2004)
21. H.R. 4, Personal Responsibility and Individual Development for Everybody (PRIDE) Act (March 29, 2004)
22. H.R. 3966, ROTC and Military Recruiter Equal Access to Campus Act of 2004 (March 30, 2004)
23. H.R. 4181, Permanent Marriage Penalty Relief Act (April 28, 2004)
24. H.R. 4227, Middle-Class Alternative Minimum Tax Relief Act of 2004 (May 5, 2004)
25. H.R. 4275, Permanent Extension of 10 Percent Individual Income Tax Rate Bracket (May 13, 2004)
26. H.R. 2432, Paperwork Regulatory Improvements Act of 2004 (May 18, 2004)
27. H.R. 444, Worker Reemployment Accounts Act (June 3, 2004)
28. H.R. 4103, AGOA Acceleration Act of 2004 (June 14, 2004)
29. H.R. 4417, Deadline Extension for Machine-Readable, Tamper-Resistant Entry and Exit Documents (June 14, 2004)
30. H.R. 4520, American Jobs Creation Act of 2004 (June 17, 2004)
31. H.R. 218, Law Enforcement Officers Safety Act of 2003 (June 23, 2004)
32. H.R. 4548, Intelligence Authorization Act for FY 2005 (June 23, 2004)
33. H.R. 3973, Spending Control Act of 2004 (June 23, 2004)
34. H.R. 3463, SUTA Dumping Prevention Act (June 14, 2004)
35. H.R. 4759, United States-Australia Free Trade Agreement Implementation Act (July 14, 2004)
36. H.R. 4837, Military Construction Appropriations Bill, FY 2005 (July 16, 2004)
37. H.R. 4840, Tax Simplification for America's Job Creators Act of 2004 (July 21, 2004)
38. H.R. 4841, Tax Simplification for Americans Act of 2004 (July 21, 2004)
39. H.R. 3313, Marriage Protection Act of 2004 (July 22, 2004)
40. H.R. 4842, United States-Morocco Free Trade Agreement Implementation Act (July 22, 2004)

41. H.R. 1057, Adoption Tax Relief Guarantee Act (September 22, 2004)
42. H.R. 4504, Orderly and Timely Interstate Placement of Foster Children Act of 2004 (October 5, 2004)
43. H.R. 163, Universal National Service Act (October 5, 2004)
44. H.R. 5186, Taxpayer-Teacher Protection Act of 2004 (October 6, 2004)
45. S. 1583, District of Columbia Appropriations Bill, FY 2004 (September 24, 2003)
46. S. 1053, Genetic Non-Discrimination Act of 2003 (October 14, 2003)
47. S. 1751, Class Action Fairness Act of 2003 (October 21, 2003)
48. S. 877, Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (October 22, 2003)
49. S. 1753, National Consumer Credit Reporting System Improvement Act of 2003 (November 4, 2003)
50. S. 150, Internet Tax Non-discrimination Act of 2003 (November 6, 2003)
51. H.R. 2660, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Bill, FY 2004 (July 8, 2003)
52. H.R. 438, Teacher Recruitment and Retention Act of 2003 (July 9, 2003)
53. H.R. 2800, Foreign Operations, Export Financing, and Related Programs Appropriations Bill, FY 2004 (July 22, 2003)
54. H.R. 2427, Pharmaceutical Market Access Act of 2003 (July 23, 2003)
55. H.R. 2738, United States-Chile Free Trade Agreement Implementation Act (July 23, 2003)
56. H.R. 2739, United States-Singapore Free Trade Agreement Implementation Act (July 23, 2003)
57. H.R. 2765, District of Columbia Appropriations Bill, FY 2004 (July 23, 2003)
58. H.R. 2622, Fair and Accurate Credit Transactions Act of 2003 (September 10, 2003)
59. H.R. 7, Charitable Giving Act of 2003 (September 17, 2003)
60. H.R. 49, Internet Tax Nondiscrimination Act (September 17, 2003)
61. H.R. 2557, Water Resources Development Act of 2003 (September 24, 2003)
62. H.R. 1276, American Dream Downpayment Act (October 1, 2003)
63. H.R. 3108, Pension Funding Equity Act of 2003 (October 8, 2003)
64. H.R. 3182, Adoption Promotion Act of 2003 (October 8, 2003)
65. H.R. 1904, Healthy Forests Restoration Act of 2003 (October 29, 2003)
66. H.R. 2620, Trafficking Victims Protection Reauthorization Act of 2003 (November 4, 2003)
67. H.R. 2420, Mutual Funds Integrity and Fee Transparency Act of 2003 (November 19, 2003)

Q14(c). Please explain in greater detail any issues of law or public policy on which you worked on behalf of or in connection with a gubernatorial or presidential transition team. Please also supply copies of any memoranda analyzing these issues of law or public policy on which you focused during that time. If you cannot provide these materials, please explain to the Committee why this is not possible.

1994 Gubernatorial Transition

I worked with the transition staff on ethical and other legal issues. For example, I provided legal advice about the appropriateness of accepting gifts and about rules and regulations concerning staff conduct. I know of no memoranda analyzing issues of the sort identified in the question.

2000 Presidential Transition

In the fall of 2000, I participated as part of the transition team that addressed the Department of Justice. I participated in interviewing staff and reviewing the caseload of the U.S. Department of Justice Civil Rights Division in order to provide a transition paper about the Division. It is my understanding that this process is conducted at the beginning of every new administration. The paper was divided into sections and addressed each Section in the Civil Rights Division, each Section's staffing, and noteworthy cases that would need immediate attention, as well as policy issues that were ripe for decision. The paper also offered prospective recommendations for the Division. The paper was prepared as part of a team effort and was turned over to the presidential transition team. I did not keep a copy of the document.

Q.16. Litigation

Please provide a "list [of] all litigated matters in which you were involved" which are not already mentioned in your response to other questions. The Committee has, for example, identified additional cases not included in your original responses. If possible, please also provide dates for these matters.

In addition to the ten cases described in my initial questionnaire response, I was involved as an attorney in the following listed matters litigated in federal and state court. I have no recollection of certain of these matters, but my involvement has been reconstructed from public records or the recollection of others.

I note that there are several litigated matters that I handled for individuals that, out of respect for my former clients, I have listed in a separate letter. These include the types of matters that are sensitive and personal in nature.

Federal Litigation Matters¹

Ballard v. Miramax Film Corp., No. 4:98-CV-00163 (E.D. Tex.) (6/2/1998).
Bickerdike v. Walt Disney Co., No. 9:96-CV-00500 (E.D. Tex.) (12/16/1996).
Bickerdike v. Walt Disney Co., No. 9:96-CV-00404 (E.D. Tex.) (10/4/1996).
Cordis Corp. v. C R Bard, Inc., No. 4:92-CV-01623 (S.D. Tex.) (6/2/1992).
Corman v. Solomon Bros., Inc., No. 3:91-CV-00844 (N.D. Tex.) (5/1/1991).
Daniel v. Ferguson, P-84-14-CA (E.D. Tex.) (4/9/1984).
Daniel v. Lomas Financial Corporation, No. TY-89-353-CA (E.D. Tex.) (6/5/1989).
Dal-Tile Corp. v. Chase Manhattan Bank, No. 3:99-CV-02291 (N.D. Tex.) (10/7/1999).
DAP Financial Services, Inc. v. BankOne Texas, No. 3:96-CV-2792 (N.D. Tex. 1997), opinion available at 1997 WL 148026 (N.D. Tex. 1997).
Esprit Finance, Inc. v. Walt Disney Co., No. 5:95-CV-00063 (S.D. Tex.) (6/30/1995).
Federal Nat'l Mortgage v. Johnstown Amer. Co., No. 3:87-CV-00211 (N.D. Tex.) (1/29/1987).
Ferguson v. Security Life of Denver Co., No. 3:97-CV-02106 (N.D. Tex.) (8/26/1997), appealed in No. 98-10413 (5th Cir. 1998), opinion published at 996 F.Supp. 597 (N.D. Tex. 1998).
Fort Worth Cats, Inc. v. Walt Disney, Inc., No. 4:93-CV-00293 (N.D. Tex.) (4/30/1993).
Garza v. Chase Manhattan Bank, No. 2:98-CV-00374 (S.D. Tex.) (8/24/1998).
Harkrider v. Midland Angels, No. 6:97-CV-00907 (E.D. Tex.) (10/2/1997).
Hilton v. Bank of America, No. 6:98-CV-00714 (E.D. Tex.) (12/1/1998).
Illinois v. Abbott, No. 81-1114 (U.S.) (amicus brief), opinion published at 460 U.S. 557 (1982).
In re Grand Jury Proceedings, No. 81-1059, opinion published at 712 F.2d 973 (5th Cir. 1983).
In re Lawler, No. 3-76-346-R (N.D. Tex.).
In re Lomas Financial Corp., No. 95-01235 (Bankr. D. Del) (1999), opinion available at 1999 WL 33495524 (Bankr. D. Del. 1999).
Industrial Indem., Inc. v. Landrieu, No. 79-2748 (5th Cir. 1980) (4/14/1980), opinion published at 615 F.2d 644 (5th Cir. 1980).
Inovad Inc. v. Microsoft Corp., 4:99-CV-986 (N.D. Tex.) (1999).
Joseph Jay Cohen Sales Co. v. Vienna Sausage Manufacturing Company (N.D. Tex.) (approx. 1979).
Kwiatkowski v. Walt Disney World Co., No. 4:94-CV-04113 (S.D. Tex.) (12/6/1994).
L&N Consultants, Inc. v. 3MBS, No. 91-0614C(2) (E.D. Missouri) (1991).
Lomas Info. Sys. v. Performance Group, Inc., No. 3:94-CV-01945 (N.D. Tex.) (9/9/1994).
Manufacturers Hanover v. Truitt, No. 3:92-CV-00915 (N.D. Tex.) (5/5/1992), appealed in No. 95-10295 (5th Cir. 1995).
Maverick Ski & Sports v. Walt Disney Co., No. 4:92-CV-00047 (N.D. Tex.) (1/21/1992).
McNamara v. Bre-X Minerals Ltd., No. 5:97-CV-159 (E.D. Tex.).
Microsoft Corp. v. Buy It Cheap Network, No. 4:00-CV-01355 (N.D. Tex.) (7/31/2000).
Microsoft Corp. v. Godabuzz.com, No. 7:00-CV-93 (E.D. Tex.) (7/31/2000).
Microsoft Corp. v. Service Concepts, No. 3:00-CV-00701 (N.D. Tex.) (4/3/2000).
Mitchell v. Pearl, No. 3:91-CV-00647 (N.D. Tex.) (4/3/1992).

¹ Litigated matters are cited by their court docket number. Where the litigation has resulted in an opinion that is published or available on a commonly used commercial database, a citation to that opinion is also provided. In response to the Senate Judiciary Committee's request for the "dates of these matters," I have identified where possible the date the litigation was initiated (usually by the filing of a complaint or the removal of a case to federal court).

Nugent v. Bush, No. 3:00-CV-02628 (N.D. Tex.) (11/28/2000).
Pan American Airways v. Bush for President, No. 1:00-CV-02017 (D.N.H.) (4/3/2000).
Peat Marwick Main & Co. v. Philip D. Roberts, No. 89-474 (U.S.) (amicus brief).
Pension Benefit v. Boron Royalty Corp., No. 3:91-CV-02409 (N.D. Tex.) (11/6/1991).
Pididdly Link Ltd. v. Lomas and Nettleton Co., No. 3:89-CV-03261 (N.D. Tex.) (12/29/1989).
Pollner v. Brown, No. 3:99-CV-01107 (N.D. Tex.) (5/18/1999).
Pollner v. Butler, No. 3:99-CV-01100 (N.D. Tex.) (5/18/1999).
Pollner v. Byerley, No. 3:99-CV-01116 (N.D. Tex.) (5/18/1999).
Pollner v. Faulkner, No. 3:99-CV-01101 (N.D. Tex.) (5/18/1999).
Pollner v. Fletcher, No. 3:99-CV-01102 (N.D. Tex.) (5/18/1999).
Pollner v. Headden, No. 3:99-CV-01106 (N.D. Tex.) (5/18/1999).
Pollner v. Kell, No. 3:99-CV-01108 (N.D. Tex.) (5/18/1999).
Pollner v. McPherson, No. 3:99-CV-01109 (N.D. Tex.) (5/18/1999).
Pollner v. Tolbert, No. 3:99-CV-01117 (N.D. Tex.) (5/18/1999).
Popeko v. United States, No. 74-1799 (1975), opinion published at 513 F.2d 771 (5th Cir. 1975).
Real Estate Tax Serv. v. Jay, No. 3:91-CV-02119 (N.D. Tex.) (10/8/1991).
Robinson v. Texas Auto Dealers Ass'n, 5:97-CV-00273 (E.D. Tex.) (10/3/1997), opinions available at 2003 U.S. Dist. Lex. 10595; 2003 U.S. Dist. Lex. 10598; and 214 F.R.D. 432 (E.D. Tex. 2003).
Sears Mortgage Corp. v. Horham, No. 86-1105 (S.D. Tex.).
Shpiegel v. Walt Disney World Co., No. 4:92-CV-03739 (S.D. Tex.) (12/4/1992).
Shaw v. Broadcast.com, Inc., Nos. 3:98-CV-02017 and 3:98-CV-03039 (N.D. Tex.) (8/25/1998 and 12/29/1998, subsequently consolidated), opinion available at 2005 WL 2095770 (N.D. Tex. 2005).
Southwest Securities, Barre & Company v. SunGard Data Systems, Inc., No. 3:95-CV-01212 (N.D. Tex.) (6/14/1995), appealed in No. 96-10828 (5th Cir. 1996).
Strong v. Walt Disney Catalog, Inc., 1:96-CV-553 (W.D. Tex.).
SunGard Data v. Buchmeyer, No. 96-10828 (5th Cir. 1996).
Thanksgiving Tower Partners v. Anros Thanksgiving Partners, No. 3:89-CV-00399 (N.D. Tex.) (2/7/1989), appealed in Nos. 92-1209 and 94-10863 (5th Cir. 1995), opinion published at 64 F.3d 227 (5th Cir. 1995).
The Leader Corporation v. University Computing Company, No. CA-3-6099 (N.D. Tex.) (7/12/1972).
Tjantveit v. Chemical Bank, 3:96-CV-1203 (N.D. Tex.).
Trinity Industries v. Noblemet, CA-3-74-688 (N.D. Tex.).
Truitt v. Manufacturers Hanover, No. 3:91-CV-01301 (N.D. Tex.) (10/8/1991).
University Computing Co. v. Leader Corp., No. CA3-7397 (N.D. Tex.), opinion available at 371 F.Supp. 86 (N.D. Tex. 1974).
Valwhat Enters. v. Invision Consulting, No. 3:95-CV-02240 (N.D. Tex.) (10/05/1995).
Ware v. Schweiker, No. 80-2273 (5th Cir. 1981), opinion published at 651 F.2d 408 (5th Cir. 1981).
Waterfield Financial Corporation v. Sears Mortgage Securities Corporation, No. F-89-00053 (N.D. Indiana) (1989).
Webb Cooley Co., Inc. v. American Business, No. 3:00-CV-00483 (N.D. Tex.) (3/3/2000).

State Litigation Matters

Alaskan Plumbing Co., Inc. v. Homart Development Co., No. 1982-53334 (270th Judicial District, Harris County, Texas) (10/27/1982).

Alpaire Inc. v. Process Technology Corp., No. 82-05540 (14th Judicial District, Dallas County, Texas) (5/20/1982).

Avalon Supply Co. v. Excelsior Enters., No. 82-02860 (68th Judicial District, Dallas County, Texas) (3/17/1982).

Brenner Electrical Sales, Inc. v. BIC General Cable Industries, Inc., No. 99-08231 (298th Judicial District, Dallas County, Texas) (10/18/1999).

Café Quick Enters., Inc. v. Rose International, Inc., No. 95-05743 (14th Judicial District, Dallas County, Texas) (1995).

Capetillo v. Lombardi, No. 82-14307 (192nd Judicial District, Dallas County, Texas) (11/19/1982).

Cass Oil Co. v. Gray Petroleum Management, No. 87-09222 (14th Judicial District, Dallas County, Texas) (7/14/1987).

City of Balch Springs v. Bob Miers d/b/a Mayfield Furniture, No. 86-40567 (134th Judicial District, Dallas County, Texas) (12/1/1986).

Commonwealth Mortgage Assurance Company v. Adams, No. 91-12487-D (County Court at Law, Dallas County, Texas) (1991).

*Computer*Thought Corp. v. Artelligence, Inc.*, No. 85-6561-G (134th Judicial District, Dallas County, Texas) (5/14/1985).

County of Dallas v. Sally Miers, No. 96-30653 (193rd Judicial District, Dallas County, Texas) (3/1/1996).

County of Dallas v. Sally Miers, No. 96-30799 (44th Judicial District, Dallas County, Texas) (3/9/1996).

Corsicana Bedding Inc. v. Texas Furniture Factory, No. 84-06075 (116th Judicial District, Dallas County, Texas) (5/10/1984).

Dealy GB Foundation v. White, No. 82-13778 (101st Judicial District, Dallas County, Texas) (11/9/1982).

Fath v. Lomas & Nettleton, No. 378918 (201st Judicial District, Travis County, Texas) (4/26/1985).

Ferguson v. Security Life of Denver, No. 96-02149 (92nd Judicial District, Dallas County, Texas) (3/1/1996).

Finkelstein v. Transamerican Natural Gas Corp., No. 96-1192 (Supreme Court, Texas) (1996).

Freeway Lumber Co., Inc. v. Wells, No. 1984-72278 (269th Judicial District, Harris County, Texas) (12/7/1984).

Fort Worth County v. Harris Wood Miers, No. 311765 (Fort Worth Criminal County Court, Texas).

Graf v. Fidler, No. 82-15984 (116th Judicial District, Dallas County, Texas) (12/17/1982).

Hawkins v. Lomas Mortgage USA Inc., No. 92-08492 (298th Judicial District, Dallas County, Texas) (7/13/1992).

Heath W & Co. v. Davis, No. 82-03648 (44th Judicial District, Dallas County, Texas) (4/6/1982).

Hilton v. Peltier Enters., No. 97-28 (3rd Judicial District, Henderson County, Texas).

Hutcherson v. A. H. Belo Corp., No. 82-00732 (298th Judicial District, Dallas County, Texas) (1/25/1982).

In re Alford Chevrolet-Geo, No. 97-1171 (Supreme Court of Texas) (1999), opinion published at 997 S.W.2d 173 (Tex. 1999).

Interstate Bank of Austin, N.A. v. First Metroplex Corp., No. 355260 (167th Judicial District, Austin, Texas) (11/17/1983).

Jackson Devoice v. State Industries, Inc., No. 00-05720 (68th Judicial District, Dallas County, Texas) (7/27/2000).

Jackson v. Evans, No. 84-06446 (116th Judicial District, Dallas County, Texas) (5/17/1984).

Jackson v. Storms, No. 82-00737 (298th Judicial District, Dallas County, Texas) (1/25/1982).

Lomas Financial Corp. v. Daniel, No. 8080 (62nd Judicial District, Delta County, Texas) (4/24/1984).

Lomas Financial Corp. v. Volkman, No. 91-14054-G (134th Judicial District, Dallas County, Texas).

Lomas Mortgage USA v. Mbakwe, No. 93-13142 (192nd Judicial District, Dallas County, Texas) (12/17/1993).

Lomas Mortgage USA v. Zurich Insurance Company, No. 92-03095-K (192nd Judicial District, Dallas County, Texas).

March v. Miller, No. 82-06713 (193rd Judicial District, Dallas County, Texas) (6/16/1982).

Massarelli's Lawn Ornaments, Inc v. Christinia's Flowers, No. 98-9376 (134th Judicial District, Dallas County, Texas) (1998).

McClure v. Casa Claire Apartments, Ltd., No. 7984 (Tex. App.—Beaumont), opinion published at 560 S.W.2d 457 (Tex. App.—Beaumont, 11/23/1977).

McLemore v. Alley, No. 82-14851 (254th Judicial District, Dallas County, Texas) (10/4/1982).

Mesquite ISD v. Wood, No. 82-14400 (192nd Judicial District, Dallas County, Texas) (11/21/1982).

Sally R. Miers v. Dallas Central Appraisal District, No. 86-11652 (160th Judicial District, Dallas County, Texas) (9/4/1986).

Moody v. Sears Mortgage Corporation, No. 2838-S-1986 (Court of Common Pleas, Dauphin County, Pennsylvania).

Mosley v. Rainbo Club, Inc., No. 94A-365 (173rd Judicial District, Henderson County, Texas) (1994).

Munoz Printing Co., Inc. v. PC Leasing and Phoenixcor Inc., No. 93-10886 (101st Judicial District, Dallas, Texas) (10/14/1993).

Nicoladaze v. Lomas & Nettleton Mortgage Investors, No. 77-6783-E (101st Judicial District, Dallas County, Texas).

Perkins Const. Co. v. Ten-Fifteen Corp., No. 15559 (Tex. App.—San Antonio), opinion published at 545 S.W.2d 494 (Tex. App.—San Antonio, 11/10/1976).

Pioneer Bible Translators v. Jackson, No. 93-05748 (101st Judicial District, Dallas, Texas) (5/23/1993).

PNC Mortgage Corp. of America v. Cook, No. 95-005702 (Municipal Court, Sacramento County, California).

Pollner v. Former Directors & Officers of Lomas Financial, 97-08756-G (134th Judicial District, Dallas County, Texas) (1997).

Posnick v. Fundamental Mortgage Corp., No. 90-04728 (298th Judicial District, Dallas County, Texas) (April 23, 1990).

Priority Placement v. MicroCraft Corp., No. 84-12455 (44th Judicial District, Dallas County, Texas) (10/20/1984).

Reading & Bates Petroleum Co. v. Pioneer Production Corp., No. 1984-18664 (11th Judicial District, Harris County, Texas) (4/23/1984).

Robinson and Yuong, No. 99-13272 (303rd Judicial District, Dallas County, Texas) (8/4/1999).

Sears Mortgage Corp. v. First American Title Insurance Co., No. 1988-39896 (133rd Judicial District, Harris County, Texas) (11/14/1988).

Seatex Energy Corp. v. Maxwell, No. 82-11953 (192nd Judicial District, Dallas County, Texas) (10/8/1982).

Seatex Energy Corp. v. Stratton, No. 82-13110 (95th Judicial District, Dallas County, Texas) (10/27/1982).

Shaw v. AH Belo Corp., No. DC-83-02104 (192nd Judicial District, Dallas County, Texas).

Spears v. The Fifth District Court of Appeals, No. 93-00160 (345th Judicial District, Travis County, Texas) (1993).

Sunbelt Network, Inc. v. Belo, No. 84-0667 (193rd Judicial District, Dallas County, Texas) (1/17/1984).

Southwest Sec., Inc. v. Glatstein, No. 05-98-00309-CV (Tex. App.—Dallas) (2/24/1998).

Trimedyne v. Everett, No. CJ-92-3403-06 (Oklahoma County) (1992).

TriTexas Mortgage Corp. v. Texas Mortgage Service Corp., No. 84-15324 (116th Judicial District, Dallas County, Texas) (11/21/1984).

Turtle Creek Investments v. Slocum Properties, Inc., No. 82-07176 (68th Judicial District, Dallas County, Texas) (6/25/1982).

Users Inc v. Chocolate Bayou Federal, No. 90-11377 (160th Judicial District, Dallas County, Texas) (9/21/1990).

Valwhat Enters. v. Invision Consulting Services, Inc., No. 95-07813 (95th Judicial District, Dallas County, Texas) (8/8/1995).

Veazy Corp. v. Homart Development Co., No. 1982-05538 (157th Judicial District, Harris County, Texas) (8/3/1982).

Webb v. Sloan, No. 91-1110-A (Gregg County, Texas) (5/21/1991).

White v. A.H. Belo Corp., No. 85-04753 (44th Judicial District, Dallas County, Texas) (4/8/1985).

Williams Steel Erectors Inc. v. Homart Development Co., No. 1982-44419 (129th Judicial District, Harris County, Texas) (9/8/1982).

Wood v. Vogel, No. 86-00975 (193rd Judicial District, Dallas County, Texas) (1/23/1986).

Q.17. Constitutional Issues

In answer to question 17, you explained that as Counsel to the President you are regularly faced with issues involving constitutional questions, but gave us no specifics about the issues themselves, or the work that you personally did. Please provide the issues presented in those matters, and the positions you took related to those issues. This question was designed to help the Committee learn more about your experience with constitutional law, and if most of it was gained during your years in the White House, it is important that we know more about the specifics of that experience.

Response: As Counsel to the President, I have dealt with a variety of constitutional issues. Among the issues raised have been:

1. The role that courts and judges should play in our constitutional system. I deal regularly with this issue as Chair of the White House Judicial Selection Committee.

2. Issues concerning whether Congress may treat Native Hawaiians as an Indian Tribe, and therefore afford them special benefits without running afoul of the equal protection component of the Fifth Amendment's Due Process Clause.
3. Whether the federal government may provide funds to pay for the education of students dislocated by Hurricane Katrina, including when parents choose to send their children to parochial schools, consistent with the Establishment Clause of the First Amendment.
4. Issues concerning the scope of the President's power to conduct foreign affairs, and of his powers as Commander-In-Chief.
5. The scope of the constitutional protection of White House and Executive Branch information and documents from disclosure to Congress and other entities.
6. The scope of the President's power to make Executive Branch appointments during Congressional recesses.
7. The Terri Schiavo case, which included consideration of issues regarding life-sustaining treatment and the relationship between the state and federal courts.
8. The scope of the President's constitutional power to grant pardons, including the scope of his power to grant posthumous pardons.
9. The scope of Congress' power under the Spending Clause to condition the grant of federal funds to states on the states' compliance with statutory requirements. Litigation involving the No Child Left Behind Act raises this issue.
10. The application of the equal protection component of the Fifth Amendment's Due Process Clause to programs designed to ensure the participation of women and members of minority groups in federal contracting.
11. The scope of the President's power to declare national emergencies.
12. The circumstances in which the Emoluments Clause applies to nominees and appointees of the President, and in particular which offices are offices of trust and confidence to which the Clause applies.
13. The circumstances in which the Ineligibility Clause applies to nominees of the President who are also Members of Congress.
14. The application of the Free Exercise and Establishment Clauses to situations in which federal grants are given to faith-based groups.

The extent to which the work of the White House regularly involved constitutional issues is illustrated by bill signing statements issued by the President and Statements of Administration Position issued through the Office of Management and Budget. Statements of Administration Position issued during my time as Counsel to the President and Deputy Chief of Staff for Policy that raise constitutional issues are listed below, as are bill signing statements raising constitutional matters and issued during my time as Counsel. Copies of these documents are being provided to the Committee with this letter.

Bill Signing Statements

1. H.R. 2360, Department of Homeland Security Appropriations Act, 2006 (October 18, 2005)
2. H.R. 3, Transportation Equity Act (August 10, 2005)
3. H.R. 6, Energy Policy Act of 2005 (August 8, 2005)

Statements of Administration Policy

1. H.R. 3, Transportation Equity Act: A Legacy for Users (March 8, 2005)
2. S. 600, Foreign Relations Authorization Act, Fiscal Year 2006 and 2007 (April 5, 2005)
3. H.R. 6, Energy Policy Act of 2005 (April 20, 2005)
4. H.R. 1279, Gang Deterrence and Community Protection Act of 2005 (May 11, 2005)
5. H.R. 2360, Department of Homeland Security Appropriations Bill, FY 2006 (May 17, 2005)
6. H.R. 1817, Department of Homeland Security Authorization Act (May 18, 2005)
7. H.R. 2361, Department of the Interior, Environment, and Related Agencies Appropriations Act, FY 2006 (May 19, 2005)
8. H.R. 2419, Energy and Water Development Appropriations Bill, FY 2006 (May 24, 2005)
9. H.R. 1815, National Defense Authorization Act for Fiscal Year 2006 (May 25, 2005)
10. H.R. 2528, Military Quality of Life and Veterans Affairs, and Related Agencies Appropriations Bill, FY 2006 (May 26, 2005)
11. H.R. 2744, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill, FY 2006 (June 7, 2005)
12. H.R. 6, Energy Policy Act of 2005 (June 14, 2005)
13. H.R. 2862, Science, State, Justice, Commerce, and Related Agencies Appropriations Bill (June 14, 2005)
14. H.R. 2863, Department of Defense Appropriations Bill, FY 2006 (June 16, 2005)
15. H.R. 3010, Labor, Health, and Human Services, and Education, and Related Agencies Appropriations Bill, FY 2006 (June 23, 2005)
16. H.R. 2361, Department of the Interior, Environment, and Related Agencies Appropriations Bill, FY 2006 (June 28, 2005)
17. H.R. 3057, Foreign Operations, Export Financing, and Related Programs Appropriations Bill, FY 2006 (June 28, 2005)
18. H.R. 3058, Transportation, Treasury, Housing and Urban Development, the Judiciary, and the District of Columbia Appropriations Bill, FY 2006 (June 29, 2005)
19. H.R. 2360, Department of Homeland Security Appropriations Bill, FY 2006 (July 11, 2005)
20. H.R. 2864, Water Resources Development Act of 2005 (July 14, 2005)
21. H.R. 3057, Department of State, Foreign Operations, and Related Programs Appropriations Bill, FY 2006 (July 18, 2005)
22. H.R. 2601, Foreign Relations Authorization Act, Fiscal Years 2006 and 2007 (July 20, 2005)
23. S. 1042, National Defense Authorization Act for Fiscal Year 2006 (July 21, 2005)
24. H.R. 22, Postal Accountability and Enhancement Act (July 26, 2005)
25. H.R. 2862, Departments of Commerce and Justice, Science, and Related Agencies Appropriations Bill, FY 2006 (September 8, 2005)
26. H.R. 889, Coast Guard and Maritime Transportation Act of 2005 (September 15, 2005)
27. H.R. 2744, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill, FY 2006 (September 19, 2005)
28. H.R. 2863, Department of Defense Appropriations Bill, FY 2006 (September 30, 2005)
29. H.R. 3893, Gasoline for America's Security Act of 2005 (October 7, 2005)

30. S. 1446, District of Columbia Appropriations Bill, FY 2006 (October 18, 2005)
31. H.R. 3058, Transportation, Treasury, Judiciary, HUD and Related Agencies Appropriations Bill, FY 2006 (October 19, 2005)
32. S. 1248, Individuals with Disabilities Education Improvement Act of 2003 (May 12, 2004)
33. S. 2400, National Defense Authorization Act for Fiscal Year 2005 (May 19, 2004)
34. S. 2537, Department of Homeland Security Appropriations Bill, FY 2005 (September 8, 2004)
35. S. 2845, National Intelligence Reform Act of 2004 (September 28, 2004)
36. H.R. 3550, Transportation Equity Act: A Legacy for Users (March 30, 2004)
37. H.R. 4200, National Defense Authorization Act for Fiscal Year 2005 (May 19, 2004)
38. H.R. 4568, Department of the Interior and Related Agencies Appropriations Bill, FY 2005 (June 16, 2004)
39. H.R. 4567, Department of Homeland Security Appropriations Bill, FY 2005 (June 17, 2004)
40. H.R. 4613, Department of Defense Appropriations Bill, FY 2005 (June 22, 2004)
41. H.R. 4614, Energy and Water Development Appropriations Bill, FY 2005 (June 25, 2004)
42. H.R. 4754, Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, FY 2005 (July 7, 2004)
43. H.R. 4766, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill, FY 2005 (July 13, 2004)
44. H.R. 4818, Foreign Operations, Export Financing, and Related Programs Appropriations Bill, FY 2005 (June 15, 2004)
45. H.R. 4850, District of Columbia Appropriations Bill, FY 2005 (July 20, 2004)
46. H.R. 5006, Labor, Health and Human Services, and Education, and Related Agencies Appropriations Bill, FY 2005 (September 8, 2004)
47. H.R. 5025, Departments of Transportation and Treasury and Independent Agencies Appropriations Bill, 2005 (September 14, 2004)
48. H.R. 10, 9/11 Recommendations Implementation Act (October 7, 2004)
49. S. 925, Foreign Relations Authorization Act, Fiscal Year 2004 (July 9, 2003)
50. S. 1357, Military Construction Appropriations Bill, FY 2004 (July 10, 2003)
51. S. 1356, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Bill, FY 2004 (September 2, 2003)
52. S. 1424, Energy and Water Development Appropriations Bill, FY 2004 (September 11, 2003)
53. S. 1391, Department of the Interior and Related Agencies, Appropriations Bill, FY 2004 (September 17, 2003)
54. S. 1689 and H.R. 3289, Making Emergency Supplemental Appropriations for Iraq and Afghanistan Security and Reconstruction for FY 2004, and for Other Purposes (October 16, 2003)
55. S. 1589, The Department of Transportation, Treasury and Related Agencies Appropriations Bill, FY 2004 (October 23, 2003)
56. S. 1426, Foreign Operations, Export Financing, and Related Programs Appropriations Act, FY 2004 (October 24, 2003)
57. S. 139, Climate Stewardship Act of 2003 (October 29, 2003)

58. S. 1427, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, FY 2004 (November 5, 2003)
59. S. 1585, Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, FY 2004 (November 10, 2003)
60. S. 1584, The Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Bill (November 12, 2003)
61. H.R. 2658, Department of Defense Appropriations Bill, FY 2004 (July 8, 2003)
62. H.R. 2673, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill, FY 2004 (July 14, 2003)
63. H.R. 1950, Foreign Relations Authorization Act, Fiscal Years 2004 and 2005 (July 15, 2003)
64. H.R. 2122, Project BioShield Act of 2003 (July 16, 2003)
65. H.R. 2691, Department of the Interior and Related Agencies Appropriations Bill, FY 2004 (July 16, 2003)
66. H.R. 2754, Energy and Water Development Appropriations Bill, FY 2004 (July 18, 2003)
67. H.R. 2555, Department of Homeland Security Appropriations Bill, FY 2004 (July 21, 2003)
68. H.R. 2799, Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, FY 2004 (July 22, 2003)
69. H.R. 2989, Departments of Transportation and Treasury and Independent Agencies Appropriations Bill, FY 2004 (September 4, 2003)
70. H.R. 2086, Office of National Drug Control Policy Reauthorization Act of 2003 (September 30, 2003)
71. S. 1689 and H.R. 3289, Making Emergency Supplemental Appropriations for Iraq and Afghanistan Security and Reconstruction for FY 2004, and for Other Purposes (October 16, 2003)

Q20. Party to Civil, Legal or Administrative Proceedings

Your response to question 20 indicates that your firm was a party to a number of lawsuits over the years. Please provide information about each of those suits, even those suits in which neither you nor your work were subject of the complaint. In addition, please list the suits in which you were named in your official capacity as a public official, and provide a brief description of each. For example, there have been press reports of civil actions against your firm involving multi-million dollar settlements that occurred during the time you were either managing partner or president of the firm, about which the Committee would like more information.

In response to your request that I supplement my prior response by providing information about “suits in which [I was] named in [my] official capacity as a public official,” I note that I was either a party or movant in the following litigated matters:

1. *Colley v. United States of America, et al.*, C.A. No.1:05-cv-04550 (N.D. Ill.), *appeal pending*, No. 05-3853 (7th Cir.). In this case, I was named as a defendant along with 600 other individuals, most of whom are current or former senior officials of the Executive and Legislative Branch of the federal government. The plaintiff’s precise allegations are

difficult to discern from the complaint, and the United States District Court for the Northern District of Illinois dismissed the suit as frivolous on September 2, 2005. The plaintiff has noticed an appeal to the United States Court of Appeals for the Seventh Circuit.

2. *Littwin v. GTECH Corp.*, No. 3:98-CV-02926 (N.D. Tex.) (complaint filed 12/14/1998). While I was not a party to this case, I became involved in the litigation after being served with a subpoena to testify in my capacity as Chair of the Texas Lottery Commission. In the complaint, the plaintiff alleged that defendant GTECH Corporation had orchestrated his firing by the Texas Lottery Commission. I was served with a subpoena to testify, which I successfully moved to quash.
3. *Musselwhite v. State Bar of Texas et al.*, No. 4:92-CV-00938 (S.D. Tex.) (complaint filed 3/25/1992). I was named as a defendant in this case in my capacity as a member of the Board of Directors of the State Bar of Texas. The plaintiff in the case, a Houston attorney, alleged that disciplinary proceedings brought by the State Bar were unconstitutional. The action was dismissed by the federal district court for lack of subject matter jurisdiction, and the dismissal was affirmed by the Fifth Circuit, 32 F.3d 942 (5th Cir. 1995).
4. *Quitb v. Strauss et al.*, No. 3:91-CV-1310 (N.D. Tex.) (complaint filed 7/03/1991). This lawsuit challenged the constitutionality of the City of Dallas's juvenile curfew ordinance, and I was named as a defendant in my capacity as a Member of the Dallas City Council. The federal district court held the ordinance unconstitutional, but that decision was later reversed by the Fifth Circuit, 11 F.3d 488 (5th Cir. 1993).

You also sought information concerning litigation matters in which any of my former law firms was a party. Based in large part on information provided by Locke Liddell & Sapp,² I have been able to identify litigation matters listed below involving Locke Liddell & Sapp (or its predecessor entity, Locke Purnell Rain Harrell) during the period I was a partner or shareholder³:

1. *In re Kendavis Industries Int'l*, No. 85-30348 (United States Bankruptcy Court for the Northern District of Texas) (1988). This case concerned an effort during bankruptcy proceedings to disgorge compensation paid to the firm for its rendering of legal services. Neither I nor my work was the subject of the complaint.⁴

² The firm has been unable to locate records of litigation matters that preceded the 1988 merger of Locke, Purnell, Boren, Laney & Neely and Rain, Harrell, Emery, Young & Doke.

³ In addition to the cases listed below, the firm has occasionally been involved in routine litigation to recover attorneys' fees and to collect debts.

⁴ As few of these cases concern matters in which I was personally involved, I relied heavily on my former colleagues at Locke Liddell & Sapp in gathering information to enable me to respond to this question. My statements about these matters are based on my own recollection regarding my involvement in these matters, or lack thereof. Where I cannot recall the specifics of a case, I have relied on consultation with former colleagues at the firm who have reviewed pleadings and other documents in the relevant case; made inquiries of lawyers known to be involved in the case; and had discussions with the firm's general counsel, who manages the firm's litigation on a day-to-day basis.

2. *Hatch v. Locke Liddell & Sapp LLP*, No. 92-39896 (United States Bankruptcy Court for the Northern District of Texas) (1992). In this action, a *pro se* plaintiff sued the firm (and certain of its lawyers); it also named as defendants a number of judges, public officials, court personnel, FBI agents, United States Attorneys, private attorneys and government agencies. The plaintiff alleged that the defendants had engaged in a conspiracy to take her money in prior bankruptcy proceedings. The case was dismissed, and neither I nor my work was the subject of the complaint.
3. *Verado Energy, Inc. v. Locke Purnell Rain Harrell* (1992). This action was a malpractice action against the firm concerning advice given in connection with a corporate transaction. Neither I nor my work was the subject of the complaint.
4. *Karloack v. Locke Purnell Rain Harrell*, Civil Action No. 3-92-CV-00729 (United States District Court for the Northern District of Texas) (1992). An associate who was not elected to partnership filed suit against Locke Purnell Rain Harrell, alleging that she was discriminated against on the basis of her sex in violation of Title VII of the Civil Rights Act of 1964. I am not referenced in the complaint, although I was deposed by the plaintiff in connection with the case. Locke Purnell denied liability, and the case was settled out of court.
5. *Craig, M.D. v. Locke Purnell Rain Harrell*, No. 236-156570-94 (District Court, Tarrant County, Texas) (1994). The plaintiff in this action alleged that one of the firm's lawyers had committed malpractice in connection with the issuance of stock certificates and division of shares of stock in a corporation. Neither I nor my work was the subject of the complaint.
6. *Crossley v. Staley*, No. 97-05444 (68th Judicial District, Dallas County, Texas) (1997). This case concerned a dispute between one of the firm's shareholders and his family members over ownership of firm assets. This dispute did not involve the rendering of legal services by any members of the firm. No allegations of wrongdoing or misconduct were made against me or any other member of the firm (other than the shareholder family member named in the suit).
7. *Lee v. Locke Purnell Rain Harrell*, No. 98-07180-M (298th Judicial District, Dallas County, Texas) (1998). This case involved a dispute over the firm's creation of a trust for a client. Subsequent to the creation of the trust, the client's ex-husband sued the firm claiming that the firm should have advised him that he needed separate counsel. The court granted summary judgment in favor of the firm and its lawyer. Neither I nor my work was the subject of the complaint.
8. *Eagle Asphalts Products, Inc. v. Locke Liddell & Sapp LLP*, No. 200-32041 (29th Judicial District, Harris County, Texas) (2001). This suit involved claims for legal malpractice against the firm and certain of its attorneys relating to general corporate advice. Neither I nor my work was the subject of the complaint.

9. *IntelliTouch 2000, Inc. v. Dever*, No. 95-11954-G (134th Judicial District, Dallas County, Texas); subsequent bankruptcy proceedings in *In re IntelliTouch 2000*, No. 3:96-cv-01312 (United States District Court for the Northern District of Texas) (1996). These cases arose from a dispute regarding control of a small business (and client of the firm) partially owned by a former firm shareholder. The plaintiff claimed that the firm shareholder had taken a position as a board member of the corporation that was contrary to the corporation's interest and that this created a conflict of interest in light of his representation of the corporation as a lawyer. Neither I nor my work was the subject of the complaint.
10. *Pollner v. Locke Purnell Rain Harrell*, No. 1:99-CV-00603 (United States District Court for the District of Delaware) (1998). In 1998, the firm was named as a defendant in an adversary proceeding in the bankruptcy court in the District of Delaware. The dispute involved ownership and possession of the firm's file materials generated over the course of the firm's representation of a corporation. While I was one of the attorneys involved in the representation at issue, the case did not involve allegations of wrongdoing by me (or by any of the firm's attorneys). The matter was ultimately resolved out of court to the satisfaction of all parties.
11. *Snelling & Snelling v. Miller*, No. 2:1997-CV-00271 (United States District Court for the Eastern District of California) (1997). This suit alleged that the firm and one of its attorneys engaged in malpractice in performing legal services. Neither I nor my work was the subject of the complaint. The case concluded with an award of summary judgment in favor of the firm and its attorney.
12. *McAdoo v. First Nationwide Mfg.*, No. 3:1999-CV-02260 (United States District Court for the Northern District of Texas) (1999). This action, filed by a *pro se* plaintiff against the firm and several other defendants (including government agencies), alleged that the plaintiff's due process rights were violated by a foreclosure on the plaintiff's property. The case was dismissed by the court. Neither I nor my work was the subject of the complaint.
13. *Phillips v. Locke Liddell & Sapp LLP*, No. 3:99-CV-02897 (United States District Court for the Northern District of Texas) (1999). This case involved a legal malpractice claim against the firm and one of its attorneys. The action was dismissed by the court. Neither I nor my work was the subject of the complaint.
14. *Bullock v. Hardin*, No. 3:98-CV-02250 (United States District Court for the Northern District of Texas) (1998). This lawsuit was brought by a former client of the firm who was disappointed with the outcome of a patent suit. The plaintiff voluntarily decided to dismiss the case. Neither I nor my work was the subject of the complaint.
15. *Chickasha Cotton Oil Co. v. Locke Liddell & Sapp*, No. CV 2000-019168 (Superior Court, Maricopa County, Arizona) (2000). This action was brought by a former client of the firm, who alleged that the firm's representation constituted a conflict of interest. I

was not involved in rendering any of the legal services at issue in this lawsuit.

16. *Keele v. PI Construction Corp.*, No. 4:99-CV-02239 (United States District Court for the Southern District of Texas) (1999). In this case, the plaintiff (an attorney) alleged that certain of the firm's attorneys had engaged in improper conduct during its successful defense of a lawsuit in which plaintiff had represented the losing party. The plaintiff's claims were dismissed by the court. Neither I nor my work was the subject of the complaint.
17. *Mortenson v. Locke Liddell & Sapp LLP*, No. 99-12003 (126th Judicial District, Travis County, Texas) (1999). This class action was filed by the receiver of Austin Forex International, L.L.C. ("Austin Forex"), a former client of the firm and its predecessor, Locke Purnell Rain Harrell, P.C., on behalf of itself and other named and unnamed class members who had invested in Austin Forex and related companies. The action alleged that Locke Liddell, various other law firms and accounting firms, and individuals at those firms knowingly assisted Russell Erxleben, the founder of Austin Forex, in perpetrating a complex fraudulent scheme involving foreign currency trading. The complaint alleged that Locke Liddell had assisted Erxleben in perpetrating his scheme and asserted causes of action for fraud, negligent misrepresentation, and other violations of state securities and common law. The firm denied liability, but settled the case out of court for a sum of \$23,696,000. To the best of my recollection, I did not participate in the firm's representation of clients in the matters which are the basis for the allegations set forth by plaintiffs' counsel in this complaint.

During my tenures as Co-Managing Partner of Locke Liddell and President of Locke Purnell Rain Harrell, the firm improved its precautionary ethics measures, which included ethics briefings for all incoming lawyers, periodic (generally annual) ethics training for all lawyers, and distribution of written ethics materials. The firm also instituted tighter restrictions on client intake, including approval of new clients by senior lawyers in the firm, a Dunn & Bradstreet fraud check on new clients, mandatory engagement letters, and use of a new file opening form that specifically inquires about whether the client manages investments on behalf of others. The firm also has a conflicts/risk management committee with easy "walk-in" access comprised of partners in each city, and across varying practice areas, to which lawyers are encouraged to report concerns about ethics issues.

18. *Ivor Wolfson Corporation SA v. Locke Liddell & Sapp LLP, Phillip Wylie, Refco Securities, Inc. and Jonathan Slavin*, No. 99-CIV-11471 (United States District Court for the Southern District of New York) (1999). This case concerned a lawsuit seeking \$48.6 million in damages owed to plaintiffs by Brian Stearns, a former client of Locke Liddell. Plaintiffs alleged that a former partner at the firm, Phillip Wylie, helped Stearns defraud them. Stearns' alleged fraud consisted of obtaining loans of \$20 million from Ivor Wolfson and \$6 million from Tremmer on a promise to repay them \$40 million and \$8.4 million, respectively, and to secure the full amounts due with a marketable security, when Stearns knew that he had no security to post. Plaintiffs sought to recover the funds from Locke Liddell, alleging that the firm knowingly and actively assisted Stearns in the

commission of his fraud. Locke Liddell denied these allegations in court. This matter was resolved by confidential settlement. To the best of my recollection, I did not participate in the firm's representation of clients in the matters which are the basis for the allegations set forth by plaintiffs' counsel in this complaint. (For a description of the precautionary ethics measures in place at Locke Liddell, see above description of *Mortenson v. Locke Liddell*, case 17.)

19. *Janet Mortenson, Permanent Receiver for Trans-Global Asset Management, Brian Stearns, v. Locke Liddell & Sapp, LLP & Phillip Wylie*, No. GN-002674 (53rd Judicial District Court, Travis County) (2000). This class action suit was filed by Janet Mortenson, in her capacity as the court-appointed permanent receiver of several companies owned by Brian Stearns, the former Locke Liddell client mentioned above (see case 18, above) who, prior to his arrest in the fall of 1999, held himself out as a successful trader of medium-term notes. The suit also represented a class of investors who were defrauded by Stearns with the alleged assistance of Locke Liddell. Plaintiffs alleged that Locke Liddell engaged in securities fraud, sale of unregistered securities, aiding a breach of fiduciary duty, conspiracy, and negligent misrepresentation, in violation of Texas law. It was alleged that Phillip Wylie, the former Locke Liddell partner, took money from investors and placed it in the firm's IOLTA account, as a conduit to transfer the money back to Stearns, rather than using the funds to purchase legitimate securities, as had been promised. Locke Liddell denied the allegations, and the litigation was settled out of court for \$8.5 million. A subsequent intervention in this case (captioned *Brady National Bank v. Locke Liddell & Sapp LLP*) was resolved by confidential settlement. To the best of my recollection, I did not participate in the firm's representation of clients in the matters that are the basis for the allegations set forth by plaintiffs' counsel in this complaint. (For a description of the precautionary ethics measures in place at Locke Liddell, see above description of *Mortenson v. Locke Liddell*, case 17.)
20. *Texas Exotic Feline Foundation, Inc. v. Jensen*, No. DV-99-02056 (162nd Judicial District, Dallas County, Texas) (1999). This lawsuit involved claims among competing factions for control of a charitable foundation. Attorneys for the losing faction sued a firm attorney claiming that the firm attorney should have prevented some of the actions complained of in the lawsuit. The claims asserted in the lawsuit were subsequently voluntarily abandoned by the plaintiffs. Neither I nor my work was the subject of the complaint.
21. *Wynne v. Locke Liddell & Sapp LLP*, Case No. 00-03970-L (District Court Dallas County, 193d Judicial District) (2000). A former paralegal with Locke Liddell & Sapp sued the firm for wrongful discharge, libel, and slander. The plaintiff alleged in her complaint that defamatory statements were made about her by partners and agents of the firm. The court granted summary judgment to the firm on all claims. As co-managing partner of the firm at the time, I was involved with the decision to terminate the plaintiff, and submitted an affidavit in the case.

22. *Sportsband Network Recovery Fund, Inc. v. Locke Purnell Rain Harrell, P.C.*, No. 00-00705-F (116th Judicial District, Dallas County, Texas) (2000). In this case, a former client of the firm alleged that the firm made tactical errors during its representation of the client at trial. The action was settled out of court. Neither I nor my work was the subject of the complaint.
23. *Campbell v. Locke Purnell Rain Harrell* (Harris County, Texas) (2000). This suit was brought by a doctor who had been designated to testify by the plaintiff in a personal injury action, in which the firm represented the defendant. The doctor alleged that the firm had engaged in misconduct by obtaining records about the doctor's prior disciplinary problems. The claims asserted in the case were voluntarily dismissed. Neither I nor my work was the subject of the complaint.
24. *Harris v. Ashby*, No. 0-00CV1409-M (United States District Court for the Northern District of Texas) (2000). In this case, a *pro se* plaintiff who had been sentenced to jail for contempt of court sued numerous judges and attorneys the individual had encountered. The suit was summarily dismissed as to all defendants. Neither I nor my work was the subject of the complaint.
25. *Eby v. Locke Liddell & Sapp LLP*, 3:00-CV-01409 (126th Judicial District, Travis County, Texas) (2000). In this action, the firm was sued by an individual who had previously filed a personal injury lawsuit in which the firm had successfully represented the defendant. The individual later sued the firm, claiming to have been injured by the firm's defense of the case. The claim was voluntarily dropped by the individual. Neither I nor my work was the subject of this lawsuit.

Q22. Potential Conflicts of Interest

Please be more specific in your answer to this question by telling the Committee any categories of cases from which you plan to recuse yourself, and by addressing in particular the problem of recusal as it relates to the litigation of cases arising out of matters on which you worked at the White House, or as a lawyer for President Bush in his personal capacity, or in service to his various campaigns. We are aware of the statutes and codes that generally govern these matters, but recusal decisions of Supreme Court justices are more complicated because they are not subject to further review. The Committee would like you to address the issues specific to your situation.

As you are aware, recusal decisions are almost always case and fact specific. I would feel obligated to recuse myself if I had advised anyone as Counsel to the President as to the merits of a specific case or controversy. Of course, if I worked on a policy matter, I would not be required to recuse myself should a matter concerning that policy come to the Court. Again, it would depend upon the posture of the case and specific facts and circumstances.

Q27. Selection Process

If you did not make any representations to any individuals or interest groups as to how you might rule if confirmed, please respond, to the best of your knowledge, to the second part of question 27(c), which asks you to describe and provide copies of, “all communications by the Bush Administration or individuals acting on behalf of the Administration to any individuals or interest groups with respect to how you would rule.” This would include any and all communications, including those about which there have been recent press reports, in which friends and supporters of yours, among others, were said to have been asked by the White House to assure certain individuals about your views. If you do not have first-hand knowledge, please endeavor to determine what sorts of communications, if any, took place.

I did not make any representations to any individuals or interest groups as to how I might rule if confirmed. I have no knowledge of any individuals communicating how I might rule, if confirmed. As a nominee, I do not believe it would be appropriate for me to conduct my own inquiry in order to respond to this question. I have provided the Deputy Counsel to the President with a copy of this question and asked that the White House provide a response if it chooses to do so.

Based on additional materials that have been received and/or reviewed, the following responses are provided as a supplement to other questions contained in the Committee questionnaire:

QUESTION 7:

In addition to the information referenced in response to Question 12a above, I supplement my answer to Question 7 of the questionnaire as follows:

February 2005-Present: Counsel to the President, The White House, Washington, D.C. 20502. As Counsel to the President, I advise the President on all legal issues relevant to the President and the White House. The responsibilities of the Counsel’s Office include, among other things, evaluating separation of powers concerns and constitutional law issues generally, reviewing pending and proposed legislation, and advising on ethical issues arising throughout the Executive Branch. I chair the judicial selection process, working with White House staff and the Department of Justice to evaluate candidates for all levels of the federal judiciary and recommend candidates to the President.

July 2003-February 2005: Deputy Chief of Staff for Policy, The White House, Washington, D.C. 20502. As Deputy Chief of Chief for Policy, I coordinated the consideration of domestic policy issues by the President.

January 2001-June 2003: Staff Secretary, The White House, Washington, D.C. 20502. As Staff Secretary to the President, I was responsible for the traditional functions of that office, including coordinating all documents to and from the President. The Staff Secretary ensures that

such documents are reviewed by the appropriate White House offices, as well as by any relevant agencies, before presentation to the President. Three offices were under my supervision: Records Management, Correspondence, and the Executive Clerk. Approximately 80-90 White House employees were under my supervision.

1972-2001: Managing Partner/Partner, Locke Liddell & Sapp, LLP. As Managing Partner of the firm, I was responsible for overseeing all aspects of the firm's business, including helping accomplish the following tasks: setting strategic goals for the firm; running four separate offices in Austin, Dallas, Houston, and New Orleans; reviewing all firm hiring decisions; supervising the firm's accounting, marketing, and human resources departments; establishing firm policies and procedures; and acting as the public spokesperson for the firm. While serving as President of Locke Purnell Rain Harrell, I led the firm through its merger with the firm of Liddell, Sapp, Zivley, Hill and LaBoon, at the time considered to be the largest "merger of equals" to have taken place in the legal profession. After the merger, I addressed a variety of different issues, such as combining the lawyers into a single firm, reworking the compensation structure for all partners and employees, and generally promoting the new firm to clients.

Spring 1984: Trial Advocacy Instructor, Southern Methodist University School of Law. In this position, I taught students the practical aspects of trial advocacy. The students performed as mock counsel and were critiqued.

1970-1972: Law Clerk, U.S. District Court for the Northern District of Texas, Judge Joe Estes. As a district court clerk, I researched cases, provided input on draft opinions, and assisted with other assignments from Judge Estes.

May-August 1969: Law Clerk, Belli Ashe Ellison Choulos & Loeff. During this summer clerkship, I conducted research, wrote legal memoranda, and assisted with various other tasks.

QUESTION 10:

American Bar Association 1976-Present

- 1980-1981 Chair, Young Lawyers Division Committee on Antitrust Law
- 1985-1988 Co-Chair, Business Torts Litigation Committee, Section of Litigation
- 1987-1996 Member, Consortium on Legal Services to the Public
- 1989-1998 Chair and Member, Board of Editors, ABA Journal
- 1992-1997 Member, House of Delegates, representing State Bar of Texas
- 1993-1994 Member, House of Delegates, Special Committee on Hearings
- 1993-1995 Member, Standing Committee on Bar Activities and Services
- 1993-1997 ABA Membership Chair for State of Texas (Co-Chair, 1997-1999)
- 1993-1995 Member, Special Committee on Governance
- 1994-1996; Chair, House of Delegates Committee on Rules and Calendar
- 1999-2000
- 1995-1996 Member, Standing Committee on Association Communications, representing ABA Journal Board of Editors
- 1995-1998 Member, Standing Committee on Election Law
- 1996-1998 Chair, House of Delegates Committee on Credentials & Admissions

1997-1999	Member, House of Delegates Representing Dallas Bar Association
1998-1999	Chair, House of Delegates Select Committee
1998-1999	Member, Standing Committee on Legal Aid and Indigent Defendants
1999-2001	Member, Council of the Board of Governors Fund for Justice & Education
1999-2001	Member, House of Delegates as State Delegate for Texas
1999-2001	Member, Nominating Committee (as a state delegate)
1999-2000	Member, Standing Committee on Legal Aid and Indigent Defendants
2000-2001	Member, Board of Governors Committee on Research about the Future of the Legal Profession, as the representative of the Commission on Multi-jurisdictional Practice
2000-2001	Chair, Commission on Multijurisdictional Practice
2000-2001	Chair, House of Delegates Committee on Technology and Communications
2002-2003	Federal Government Liaison, Litigation Section

I withdrew from most American Bar Association activities in 2001 upon appointment to the White House.

Texas Supreme Court

1995-1996	Member, Supreme Court Advisory Committee
-----------	--

State Bar of Texas

1984-1987	Member, Standing Committee on Public Affairs, Citizens, and Law Focused Education
1986-1987	Board Advisor, Special Committee on Apprenticeship & Internship Projects
1986-1988	Board Advisor, Standing Committee on Liaison with the Federal Judiciary
1986-1987	Alternate Board Advisor, Standing Committee on Legal Assistants
1986-1987	Member, General Counsel Advisory Committee
1986-1987	Director, Fact Finding Committee
1986-1988	Chair and Member, Goals and Implementation Committee
1986-1987	Member, Professional Development Committee
1986-1988	Vice Chair and Member, Legal Specialization Committee
1986-1987	Vice Chair and Member, Directors Orientation Committee
1986-1988	Alternate Board Advisor, Standing Committee on Women & the Law
1986-1988	Board Advisor, Standing Committee on Antitrust and Trade Regulations
1986-1989	District Director, District 6, Place One
1987-1988	Alternate Board Member, Appellate Practice & Advocacy
1987-1988	Alternate Board Advisor, Standing Committee on Long Range Planning
1987-1988	Board Advisor, Standing Committee on Environment and Natural Resource Law
1987-1988	Board Advisor, Special Committee on Professionalism of Attorneys
1987-1988	Board Advisor, Standing Committee on Court Costs, Efficiency and Delays
1988-1989	Board Advisor, Standing Committee on Assistance of Local Bar Associations and Law Week

1988-1989	Alternate Board Advisor, Standing Committee on History and Traditions of the Bar & Historical Preservation
1988-1989	Board Advisor, Standing Committee on Pattern Jury Charges-Volume 4
1988-1989	Alternate Board Advisor, Committee on International Law
1988-1989	Member, Committee on Litigation
1989-1990	Member, Committee on Professionalism of Lawyers
1991-1994	President-Elect, President, and Immediate Past President
1994-2001	Chair, Vice Chair, and Member, Legal Services to the Poor in Civil Matters

In addition, at various times I held the following positions with the State Bar of Texas:

Vice Chair, State Bar Antitrust Section Council
 Member, Administration of Justice Committee
 Member, State Bar Litigation Section Council

Dallas Bar Association (joined in 1971)

1976-1978	Secretary-Treasurer
1976-1989	Trustee
1980-1984	Member, Board of Directors
1981	Chair of the Board
1981	Member, Committee on the Arts District Project
1982	Vice President, Administrative
1983	Vice President, Activities
1981	Member, Pro-Bono Panel
1983	Member, Belo II Study Committee
1983-approx. 1984	Chair, Dallas Bar Foundation Project Committee
1984-1986	President-Elect, President, and Immediate Past President
Approx. 1986	Chair, Hughes Diversity Fellowship program

In addition, at various times I held the following positions with the Dallas Bar Association:

Date unknown: Vice Chair of the Board
 Date unknown: Member, Evaluation Committee, Committee for a Qualified Judiciary
 Date unknown: Life Fellow, American Bar Foundation
 Date unknown: Life Fellow, Texas Bar Foundation
 Date unknown: Charter Fellow, Lifetime Member, Dallas Bar Foundation

I have made my best efforts to include all organizations of which I was a member. However, I may have been a member of other organizations for which I no longer have records.

QUESTION 13:

Numerous articles quoting or mentioning me, as well as an index of those articles, are provided with this supplemental response. Also included are articles that were listed in my initial

questionnaire response but were not provided as attachments. Additionally, speeches I have located since I filed my questionnaire are attached. They include the following: Graduation Address, Robinson High School, June 18, 2003; ACTL 46th Spring Meeting, Introduction of Roberta Cooper Ramo, March 8, 1996; Competition – the Right Way; Naturalization Speech (3); and Here am I – Send Me. Finally, I have included an article I authored entitled “November Bar Journal” (1992).

QUESTION 14(c):

When I served as General Counsel for the George W. Bush Committee, I did so in connection with the 1994 and 1998 gubernatorial elections. I continued to serve as general counsel for the George W. Bush Committee for the period then-Governor Bush was in office.

In addition, prior to 1994, I was active in a number of judicial campaigns, as well as my own campaign for the Dallas City Council.

QUESTION 15(b):

In private practice, my clients included the following, some of which are noted in my questionnaire response. This list includes clients found in the records of Locke Liddell & Sapp; it does not include, however, several clients who do not wish to have their names publicly disclosed.

Microsoft Corporation
The Walt Disney Company
Disney Enterprises, Inc.
Anaheim Angels, L.P.
Miramax Film Corporation
SunGard Data Systems, Inc
Lomas and Nettleton Company
Lomas Financial Corporation
Lomas Mortgage USA, Inc.
Lomas & Nettleton Information Systems
Lomas & Nettleton Manufacturing Investments
Jess Hay
Manufacturers Hanover Trust Company
Chemical Bank
Interstate Fire & Casualty Company
Schering Plough Corporation
C.R. Bard, Inc.
Texas Automobile Dealers Association
Security Life of Denver
George W. Bush
Chase Manhattan Bank
BICC General Cable Co.
Barrick Gold Corporation

The Fifth District Court of Appeals of Texas (Dallas)
Computer Thought Corporation
Estronics, Inc.
Federal National Mortgage Corporation
PNC Mortgage Corporation
Sears Mortgage Corporation
Polk & Patton Energy
TIAA / CREF
Teachers Insurance & Annuity Association
A. H. Belo Corporation
Dallas Morning News
Munoz Printing
Shintech, Inc.
Trinity Industries
TXI Industries
Smith County, Texas
Anros Thanksgiving Towers Partners
Carolina Ware
Alex Popeko
Peltier Enterprises, Inc.
Hubert S. Finkelstein
John Hancock Co.
Midland Mortgage
Brink's Home Security
Pioneer Bible Translators
Texas Furniture Factory, Inc.
Valley View Christian Church

QUESTION 15(d):

Additional appellate briefs I have obtained since I submitted my questionnaire are provided as attachments.

QUESTION 15(e):

Since I submitted my questionnaire, I have located two amicus briefs that I participated in filing in the United States Supreme Court.

Peat Marwick Main & Co. v. Roberts, No. 89-475, *cert. denied* 493 U.S. 1002 (1989)

In this case, I filed an amicus brief in support of a petition for certiorari on behalf of my client, Lomas Mortgage U.S.A., Inc. This action originated in federal district court in California. The plaintiff class members, who had invested \$200,000,000 in oil and gas partnerships, alleged that the more than 100 defendants had violated various securities laws. The plaintiffs alleged that they invested in reliance on offering documents that failed to disclose the partnerships' relationship with the licensors of oil recovery technology, which, while represented as critical to

the business, was in fact worthless. The offering documents stated that Peat Marwick had agreed to perform future accounting services.

The plaintiffs asserted that Peat Marwick knew of misrepresentations in the offering documents, and yet allowed the statement that it would provide future services to be included. On this basis, the plaintiffs sued Peat Marwick for aiding and abetting a violation of Section 10(b) of the Securities and Exchange Act of 1934.

The District Court dismissed the suit for failure to state a claim. The Ninth Circuit reversed, concluding that Peat Marwick's representation that it had agreed to perform future accounting services, coupled with the allegation that Peat Marwick knew of alleged misstatements, combined to impose on Peat Marwick an obligation to disclose the alleged misstatements, such that failure to do so could constitute aiding and abetting securities fraud.

Peat Marwick filed a petition for certiorari in the Supreme Court, questioning whether liability in such an action could be based solely on a truthful statement of a promise of future services. Respondents argued that the Ninth Circuit had not based liability solely on this basis, but rather had relied on the additional allegation that Peat Marwick had reviewed the offering memoranda and investigated the partnerships' management, and had learned of the fraudulent material.

I filed a brief on behalf of my client, Lomas Mortgage U.S.A. Inc., arguing that it would be improper to assess liability under Section 34(b) based solely on a truthful promise of future services, coupled with a conclusory allegation of knowledge of alleged misstatements. Lomas, as a mortgage servicing provider, frequently allowed representations of future service in offering documents. As a nationwide provider of mortgage servicing, Lomas had an interest in consistent interpretation of the securities laws, particularly as regards its potential liability under the theory accepted by the Ninth Circuit. I argued that the Ninth Circuit's decision endangered the smooth nationwide functioning of the securities laws by risking transforming all service providers associated with an offering into a guarantor of its fidelity. While promises of future services are essential to a full offering package, I argued, it was unreasonable to require all such providers to vet fully and vouch for an offer in advance. This harm arose, I argued, from the omission by the Ninth Circuit of any requirement that liability hinge on a duty to disclose independent of Section 10(b). This conclusion, I observed, deepened a split among the circuits that had addressed the issue.

The Supreme Court denied the petition.

COUNSEL

For Peat Marwick Main & Co.

Leonard P. Novello

Vice President and Chief Litigation Counsel, Prudential Financial

Prudential Plaza

751 Broad Street

Newark, New Jersey 07102-3714

John A. Shutkin

Shearman & Sterling LLP
599 Lexington Avenue
New York, New York 10022-6069

Dean Ringel
Cahill Gordon & Reindel LLP
80 Pine Street
New York, New York 10005-1702

William M. Murphy
Steeffel, Levitt & Weiss, P.C.
Two Stamford Plaza, Suite 1500
Stamford, Connecticut 06901

Richard North Patterson
(No longer working as an attorney – retired to write fulltime)
Box 183
44 South Vine Lane
West Tisbury, MA 02515

The Honorable Leslie G. Landau
Superior Court of California, County of Contra Costa
725 Court Street
Martinez, California 94553

For Respondents
David B. Gold
Believed deceased

SOLOMON B. CERA
Gold Bennett Cera & Sidener LLP
595 Market Street, Suite 2300
San Francisco, California 94105

For Amicus Lomas Mortgage
Alan R. Bromberg
Jenkins & Gilchrist, P.C.
1445 Ross Avenue, Suite 3700
Dallas, Texas 75202-2799

Morris Harrell
Deceased

Orrin L. Harrison, III
Akin Gump Strauss Hauer & Feld LLP
1700 Pacific Avenue, Suite 4100

Dallas, Texas 75201-4675

Kurt A. Wimmer
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Washington, District of Columbia 20004-2401

State of Illinois v. Abbott & Associates, Inc., 460 U.S. 557 (1983)

This case arose out of an effort by the Attorney General of the State of Illinois (“Attorney General”) to obtain transcripts and documents generated during two federal grand jury investigations of alleged bid-rigging in the construction trades in Illinois. The Attorney General had filed a petition in the United States District Court for the Northern District of Illinois seeking the documents, which the Department of Justice had already refused to provide to him. The Attorney General argued that the materials were highly relevant to his civil suits ongoing against individuals named in the grand jury materials, and the Department of Justice supported his petition. The District Court denied the petition for disclosure, and the Seventh Circuit affirmed.

I represented clients in Texas whose interests would have been affected by the disposition of the case. My clients were parties in a case then before the Fifth Circuit that was stayed pending the outcome in *Abbott*. My clients were appealing from an order of the Northern District of Texas, which, unlike the District Court in *Abbott*, had granted the Texas Attorney General broad access to federal grand jury materials. I participated in filing an amicus brief in this matter on their behalf.

The issue presented to the Supreme Court was whether the Clayton Act expressly or implicitly altered existing laws on grand jury secrecy in Section 6(e) of the Federal Rules of Criminal Procedure. The Illinois Attorney General argued that Section 4F(b) of the Clayton Act authorized the court to release grand jury materials in relation to an antitrust investigation being conducted by the Department of Justice solely upon a demand by the state Attorney General. I participated in filing an amicus brief on behalf of clients similarly situated in Texas. I argued that a state Attorney General must make a particularized showing that he has a compelling need for the grand jury information. The Illinois Attorney General based his argument upon the 1976 Hart-Scott-Rodino Antitrust Improvements Act, which in his view was intended to place state law enforcement authorities on par with federal authorities in the investigation and prosecution of antitrust offenses. I, on the other hand, argued that nothing in the text of the legislation indicated that Congress intended to change the grand jury secrecy rules. Moreover, I argued that the 1976 law did not contemplate the parity suggested by the Attorney General, but rather was merely an attempt to fix a loophole in antitrust enforcement that had prevented states from being able to maintain *parens patriae* actions.

The Supreme Court agreed with our position, finding that Section 4F(b) did not eliminate the requirement that a state show a “particularized need” for grand jury materials before such materials would be released. My own case was subsequently dismissed on the basis of *Abbott*. See *In re Grand Jury Proceedings*, 712 F.2d 973 (5th Cir. 1983).

Counsel

For Petitioner State of Illinois:
Thomas Genovese
500 Roosevelt Road, Suite 200
Glen Ellyn, Illinois

Tyrone C. Fahner
Mayer, Brown, Rowe & Maw LLP
71 S. Wacker
Chicago, Illinois 60606-4637

Thomas J. DeMay
Travel Distribution Services Group, Inc
9 W 57th Street
37th Floor
New York, New York 10019

Thomas S. Malciauskas
Deceased

For the United States:
Solicitor General Rex Lee
Deceased

Roger G. Wilkins
Contact information unknown

William F. Baxter
Former Assistant Attorney General for Antitrust
Deceased

Deputy Solicitor General Lawrence Wallace
Retired from the Office of the Solicitor General of the United States (January 3, 2003)

Robert B. Nicholson
United States Department of Justice,
Assistant Chief, Antitrust Division
950 Pennsylvania Ave, N.W.
Washington, D.C. 20530

For Respondent Climatemp, Inc.:
Michael B. Nash
55 W Monroe St, Chicago, IL
(Best available address)

For Respondent Abbott & Associates, Inc.:
Barry Sullivan
Jenner & Block LLP
One IBM Plaza, Chicago, Illinois 60611

Jerald S. Solovy
Jenner & Block LLP
One IBM Plaza
Chicago, Illinois 60611

Thomas E. Lindley
Perkins Coie, LLP
1120 N.W. Couch Street, 10th Fl.
Portland, Oregon 97209-4128

For Respondents Inland Heating & Air Conditioning Co. et al.:
Mark Crane
William Carlisle Herbert
Foley and Lardner
321 North Clark Street
Suite 2800
Chicago, IL 60610

For Undisclosed Respondents:
Arthur C. Chapman
Chapman & Roin
Suite 3600
135 S Lasalle St
Chicago, Illinois 60603-4110

For Amici:
Stanley Neely
Contact information unknown

Wilson W. Herndon
Contact information unknown

Jerry L. Beane
Andrews Kurth LLP, Suite 3700
1717 Main Street
Dallas, Texas 75201

Timothy R. McCormick
Thompson & Knight
1700 Pacific Avenue, Suite 3300
Dallas, TX 75201

Michael P. Carnes
1st Assistant District Attorney
133 N. Industrial Boulevard, Suite LB19
Dallas, Texas

Dee J. Kelly
Kelly, Hart & Hallman, P.C.
201 Main Street, Suite 2500,
Fort Worth, Texas 76102,

Reese Harrison
Oppenheimer, Blend, Harrison & Tate, Inc.
711 Navarro St., Suite 600
San Antonio, TX 78205

Frank McCown
7337 Airport Freeway
Fort Worth, Texas 76118

QUESTION 18:

Much of my significant legal experience was acquired in my clerkship and private practice. In addition to the litigation described in my response to question 16, I served in a close advisory capacity to numerous companies. For instance, one of my regular clients was the A.H. Belo Corporation, which owns the Dallas Morning News. My work for this company included handling a variety of cases, addressing First Amendment and libel issues. I also worked with reporters and editors to pre-review articles and other material before they went to print, in order to avoid potential liability for libel. Through this relationship with a large media entity, I developed an understanding of the many important First Amendment liberties enjoyed by the press, as well as restrictions on the printed word imposed by libel laws. I ceased representing this client when I became a candidate whom the reporting side of the business would have to cover.

I often counseled clients with respect to their general business litigation challenges. For example, I represented a distributor for a food chain in litigation over the continuation of the marketing of kosher-style and kosher foods. I also worked on litigation involving a creative, but unsuccessful, idea to place machines in convenience stores to allow customers to make their own French fries. The mortgage lending industry constituted a significant portion of my practice, which included representation of the Lomas & Nettleton Company in a wide range of matters, including FTC investigations and class action lawsuits. I represented the Federal National Mortgage Association and Manufacturers Hanover Trust Company on several occasions. For many matters, I served as the primary client contact, evaluated and advised the client on case strategy, engaged in full discovery, handled negotiations with government officials and opposing counsel, and represented the client in court.

During my time in private practice, I counseled dozens of different clients during all phases of the litigation process. My regular activities for these clients included managing the client relationship; counseling clients with respect to their legal rights; acting as lead negotiator during mediations and general settlement discussions; drafting briefs and legal arguments; supervising associates; taking depositions and engaging in written discovery; working with expert witnesses; handling emergency matters for clients, including temporary restraining orders and injunctions; working with jury consultants; and presenting oral argument in the trial and appellate courts.