

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Elena Kagan

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

Solicitor General

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

Harvard Law School
Cambridge, MA 02138

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

April 28, 1960. New York, New York.

5. **Marital Status**: (include name of spouse, and names of spouse pre-marriage, if different). List spouse's occupation, employer's name and business address(es). Please, also indicate the number of dependent children.

Single; no children.

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

Harvard Law School, 1983-86, J.D. 1986
Worcester College, Oxford University, 1981-83, M.Phil 1983
Princeton University, 1977-81, A.B. 1981

7. **Employment Record**: List in reverse chronological order, listing most recent first, all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services.

Include the name and address of the employer and job title or job description where appropriate.

Employment:

Professor and Dean, Harvard Law School, Cambridge, MA 02138, 1999-present (2003-present as dean, 2001-present as professor, 1999-2001 as visiting professor)

Deputy Assistant to the President for Domestic Policy, Executive Office of the President, Washington, D.C. 20502, 1997-99

Associate Counsel to the President, Executive Office of the President, Washington, D.C. 20502, 1995-96

Professor, University of Chicago Law School, 1111 E. 60th St., Chicago, IL 60637, 1991-97 (1991-94 as assistant professor)

Special Counsel, Senate Judiciary Committee, Summer 1993

Associate, Williams & Connolly, 725 12th St., Washington, DC 20005, 1989-91

Staff member, Dukakis for President Campaign, Boston, MA, 1988

Judicial Clerk, Hon. Thurgood Marshall, U.S. Supreme Court, 1987-88

Judicial Clerk, Hon. Abner Mikva, U.S. Court of Appeals for D.C. Circuit, 1986-87

Research Assistant, Professor Laurence Tribe, Harvard Law School, Cambridge, MA 02138, Summer 1986

Summer Associate, Paul Weiss Rifkind, Wharton & Garrison, 1285 Avenue of the Americas, NY, NY 10019, Summer 1985

Summer Associate, Fried Frank Harris Shriver & Jacobson, One New York Plaza, NY, NY 10004, Summer 1984

Paralegal, Milbank Tweed Hadley & McCloy, 1 Chase Manhattan Plaza, NY, NY 10005, Summer 1983

Board Memberships:

Member, Board of Trustees, Oxford University Press, Inc., 198 Madison Avenue, NY, NY 10016, 2008-

Member, Advisory Board, American Indian Empowerment Fund, 579 Main St., Oneida, NY 13421, 2008-

Member, Board of Directors, Equal Justice Works, 2120 L St., NW, Washington, D.C. 20037, 2008-

Member, Board of Directors, The Advantage Testing Foundation, 210 E. 86th St., NY, NY 10028, 2007-

Member, New York State Commission on Higher Education, 2007-08

Member, Board of Advisors, National Constitution Center's Peter Jennings Project for Journalists and the Constitution, 525 Arch St., Philadelphia, PA 19106, 2006-

Member, Research Advisory Council, Goldman Sachs Global Markets Institute, 85 Broad St., NY, NY 10004, 2005-08

Member, Board of Directors, American Law Deans Association, 2004-

Member, Board of Trustees, Skadden Fellowship Foundation, 4 Times Square, NY, NY 10036, 2003-

Member, Board of Directors, Thurgood Marshall Scholarship Fund, 60 E. 42nd St., NY, NY 10165, 2003-05

Member, Litigation Committee, American Association of University Professors, 1133 19th St., NW, Washington, D.C. 20036, 2002-03

Public Member, Administrative Conference of the United States, 1994-95

Member, Board of Governors, Chicago Council of Lawyers, 50 North Lake Shore Drive, Chicago, IL 60611 , 1993-95

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

None.

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

Member, American Academy of Arts and Sciences, 2005-

Honorary Fellow, Worcester College, Oxford University, 2005-

Recipient, Arabella Babb Mansfield Award, National Association of Women Lawyers, 2008

Recipient, John R. Kramer Outstanding Law School Dean Award, Equal Justice Works, 2008

Recipient, 2003 Annual Scholarship Award of the American Bar Association's Section of Administrative Law and Regulatory Practice

Recipient, Class of 1993 University of Chicago Graduating Students' Award for Teaching Excellence

Recipient, Sachs Scholarship, Princeton University, 1981.

10. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

As noted above (question 7), I am serving or have served on the boards of Equal Justice Works, the Skadden Fellowship Foundation, the National Constitution Center's Peter Jennings Project for Journalists and the Constitution, the American Law Deans' Association, and the Chicago Council of Lawyers.

I have served as a member of the Boston Bar Association Diversity Task Force.

I am a member of the American Bar Association.

In a questionnaire I submitted to the Senate in connection with a judicial nomination in 1999, I listed membership in the U.S. Association of Constitutional Lawyers, ABA Forum on Communications Law, and the Society of American Law Teachers, but I have no current memory of belonging to or participating in these organizations.

11. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

District of Columbia, 1989

New York, 1988

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

Supreme Court of the United States, 2009

U.S. District Court for the District of Maryland, 1990 (inactive)

U.S. District Court for the District of Columbia, 1990 (provisional)

12. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 10 or 11 to which you belong, or to which you have belonged, or in which you have significantly participated, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Harvard Law School Alumni Association
Princeton University Alumni Association

In a questionnaire I submitted to the Senate in connection with a judicial nomination in 1999, I listed membership in the National Partnership for Women and Families as a result of charitable contributions. I have no current memory of whether such contributions ever made me a member of this organization.

- b. Please indicate whether any of these organizations listed in response to 12(a) above currently discriminate or formerly discriminated on the basis of race, sex, or religion – either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

No

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

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

I have done my best to identify published writings and public statements through searches of publicly available electronic databases, as well as databases kept by Harvard Law School. I have found the following:

“Office of the White House Counsel” in Mark Green and Michele Jolin, eds., Change for America: A Progressive Blueprint for the 44th President (Basic Books 2009).

“Foreword” in Daniel Hamilton and Alfred Brophy, eds., Transformations in American Legal History: Essays in Honor of Professor Morton J. Horwitz (Harvard 2009).

Harvard Law Revisited, 11 *The Green Bag* 475 (2008).

In Memoriam: Clark Byse, 121 *Harvard Law Review* 454 (2007).

Richard Posner, The Judge, 120 *Harvard Law Review* 1121 (2007).

In Memoriam: David Westfall, 119 *Harvard Law Review* 947 (2006).

Women and the Legal Profession – A Status Report (Leslie H. Arps Memorial Lecture), 61 *The Record* 37 (2006).

Chevron's Nondelegation Doctrine, 2001 *Supreme Court Review* 201 (with David J. Barron).

Presidential Administration, 114 *Harvard Law Review* 2245 (2001).

Libel and the First Amendment (Update), *Encyclopedia of the American Constitution*, Supplement II (2000).

Masson v. New Yorker Magazine, Inc., *Encyclopedia of the American Constitution* (2000).

Private Speech, Public Purpose: The Role of Governmental Motive in First Amendment Doctrine, 63 *University of Chicago Law Review* 413 (1996).

When A Speech Code Is A Speech Code: The Stanford Policy and the Theory of Incidental Restraints, 29 *University of California at Davis Law Review* 957 (1996).

Confirmation Messes, Old and New (Book Review), 62 *University of Chicago Law Review* 919 (1995).

Regulation of Hate Speech and Pornography After *R.A.V.*, 60 *University of Chicago Law Review* 873 (1993). An abbreviated version of this article appears in Laura Lederer and Richard Delgado, eds., *The Price We Pay* (Hill & Wang 1995).

A Libel Story: *Sullivan* Then and Now (Book Review), 18 *Law and Social Inquiry* 197 (1993).

For Justice Marshall, 71 *Texas Law Review* 1125 (1993).

The Changing Faces of First Amendment Neutrality: *R.A.V. v St. Paul*, *Rust v Sullivan*, and the Problem of Content-Based Underinclusion, 1992 *Supreme Court Review* 29.

Note, Certifying Classes and Subclasses in Title VII Suits, 99 *Harvard Law Review* 619 (1986).

In addition to these more formal publications, I write a "From the Dean" Column in each issue of the *Harvard Law Bulletin*, which is Harvard Law School's alumni magazine. These columns are as follows: Fall 2008, "Two Campaigns"; Summer 2008, "A Changing Climate of Environment"; Winter 2008, "A Curriculum Without Borders"; Summer 2007, "Con Law Takes Center Stage"; Spring 2007, "Corporate Governance in the new Global Economy"; Fall 2006, "Connecting to Practice"; Summer 2006, "Asian Journeys"; Spring 2006, "View from Chambers"; Fall 2005, "Negotiation, Advanced"; Summer 2005, "Criminal Law in Flux"; Spring 2005, "A Call to Public Service"; Fall 2004, "Law on the Front Lines."

Harvard Law School also has issued numerous news releases, in which I am quoted and almost all of which I edited, during the years of my deanship. They are as follows:

DATE	TITLE OF RELEASE
12/16/08	Six From HLS Win Prestigious Skadden Fellowships
12/12/08	Lawrence Lessig named professor of law at HLS, director of Harvard's Edmond J. Safra Foundation Center for Ethics
12/12/08	Lloyd E. Ohlin, expert in criminal justice, 1918-2008
10/23/08	Harvard Law School Celebrates Record-setting Capital Campaign
9/3/08	Henry E. Smith to join HLS faculty in 2009
8/7/08	John Goldberg to join HLS faculty
8/4/08	Kagan is honored for her work to encourage public service
6/11/08	Jonathan Zittrain appointed to tenured faculty position
6/5/08	Highlights from Commencement Exercises
5/13/08	Malone and Jacobs appointed clinical professors of law
5/7/08	Harvard Law Faculty votes for 'open access' to scholarly articles
4/30/08	Palfrey appointed as new head of Harvard Law School Library
4/29/08	Stuntz and Warren elected to American Academy of Arts and Sciences
4/14/08	Ashish Nanda will join HLS faculty as professor of practice
4/9/08	Oliveira Appointed Associate Dean and Dean for Development and Alumni Relations
4/7/08	Three young scholars join HLS faculty as assistant professors
3/20/08	Anne Alstott, expert on tax law and social welfare, will join HLS faculty
3/18/08	Harvard Law School launches new Public Service Initiative
2/19/08	Sunstein to join Harvard Law School faculty
1/24/08	Michael Klarman to join HLS faculty
12/13/07	Six From HLS Win Prestigious Skadden Fellowships
11/13/07	Pakistani chief justice to receive Harvard Law School 'Medal of Freedom'
10/9/07	Clark Byse, celebrated HLS professor of administrative law and contracts: 1912-2007
8/6/07	William Rubenstein joins HLS faculty
7/3/07	Robert E. Keeton, pioneer of insurance law and District Court judge: 1919-2007
6/14/07	Olara Otunnu receives Harvard Law School Association Award
6/11/07	Yochai Benkler joins HLS faculty
6/8/07	Highlights from Harvard Law School's Commencement
6/6/07	Bordone and Cox honored on Class Day
5/23/07	Robert H. Sitkoff joins HLS faculty
5/15/07	Gabriella Blum and James Greiner join HLS faculty
4/4/07	HLS adds five clinical professors
3/26/07	Kathryn Spier to join HLS faculty
3/22/07	Wasserstein Family Gives \$25 Million to Harvard Law School for Academic Center
2/22/07	Human Rights Program announces new fellowship opportunity
2/11/07	Dean Elena Kagan praises incoming Harvard President Drew Gilpin Faust
1/16/07	Richard A. Musgrave, noted economist and pioneer in public finance: 1910-2007
1/2/07	Six from HLS win Skadden public interest fellowships
12/7/06	Noah Feldman to join Harvard Law faculty
10/6/06	HLS faculty unanimously approves first-year curricular reform
9/20/06	Webcast: Dean Kagan delivers 'State of the School' address
4/24/06	Fallon selected to join American Academy of Arts and Sciences

3/1/06	Associate Dean Scott Nichols to Conclude Service
1/18/06	Professor Arthur von Mehren, 1922-2006
12/6/05	HLS students win record number of public service fellowships
11/29/05	Harvard Law School launches new center to investigate intersections of health, technology and law
9/23/05	Webcast of Dean Kagan's 'state of the school' address
9/15/05	Celebration of Black Alumni begins this weekend
9/2/05	Dean Kagan announces hurricane relief efforts
8/30/05	Five new professors join HLS faculty
8/24/05	HLS to hold second Celebration of Black Alumni
6/21/05	Kirkland & Ellis Gift Honored by Renaming Major Harvard Law School Teaching Space
4/13/05	Statement of President Lawrence Summers and Dean Elena Kagan on Laurence Tribe
2/10/05	Renovations to Hemenway Gymnasium slated for summer 2005
1/3/05	Subramanian Joins Tenured Faculty
11/30/04	Statement by Dean Elena Kagan on the Solomon Amendment
10/6/04	Memorial Service for Archibald Cox
9/30/04	Harvard Law School Announces New Professorship Dedicated to Accounting and Statistics
9/23/04	Students and Faculty Connect in First-Year Reading Groups
9/8/04	Three Professors Join Tenured Faculty
8/4/04	Harvard Law School Chooses Architect for Northwest Corner
4/19/04	Ogletree Appointed Director of New Harvard Institute
12/11/03	School Wins Record Number of Skadden Fellowships
11/7/03	HLS Announces Environmental Law Fellowship
10/23/03	Celebrating a Legal Services Partnership
10/18/03	Fisher Named to Hale and Dorr Professorship
10/8/03	Professor Archibald Cox Honored
10/2/03	Vorenberg Fellowship Recipients Announced
7/1/03	Kagan Becomes Dean of Harvard Law School

Finally, as Dean of Harvard Law School, I not infrequently send e-mails to the community of students, staff, and faculty. I do not generally understand these communications to be publications of the kind requested here. But my e-mails on one subject – the Solomon Amendment – sometimes have been quoted, or reprinted in their entirety, in various public fora, so I am including all e-mails to the HLS community on that topic.

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

I cannot recall having prepared or contributed directly in the preparation of any such report. I have done my best to identify reports or policy statements of

organizations of which I was a member through searches of publicly available electronic databases.

The New York State Commission on Higher Education, on which I served, issued a Final Report of Findings and Recommendations in June 2008. The report is available at www.hecommission.state.ny.us.

The Boston Bar Association Diversity Leadership Task Force, on which I served, published a final report and recommendations on November 18, 2008. I am including it as an attachment.

The American Law Deans Association, on whose board I sit, issues occasional statements and reports about matters of concern to law schools. The principal subject concerns standards for ABA accreditation of schools. All these statements are available at www.americanlawddeans.org.

The Chicago Council of Lawyers, on whose Board of Governors I served from 1993 to 1995, regularly issues reports on judicial candidates and nominees in Illinois, as well as on other matters of interest to the local legal community. I participated in the Council's evaluation process for candidates for elective judicial office in Illinois, which formed the basis of at least one report of this kind.

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

Again, I have tried to identify such statements through searches of publicly available electronic databases.

I have never provided formal testimony to any public body.

I joined a letter from Law School Deans, dated February 14, 2007, calling for an increase in the compensation of federal judges.

I joined a Statement of Law Deans, dated January 15, 2007, criticizing the remarks of Deputy Assistant Secretary of Defense Charles Stimson regarding legal representation of detainees at Guantanamo.

I signed a letter with three other law deans to Senator Patrick Leahy, dated November 14, 2005, opposing the Graham Amendment to the Department of Defense authorization bill insofar as it would have stripped the federal courts of jurisdiction to hear habeas petitions brought by detainees at Guantanamo.

I joined a Statement by Law School Deans, dated May 4, 2005, opposing threats of retaliation against federal judges and asserting the importance of an independent judiciary.

On September 10, 2002, I wrote a letter to Senator Patrick Leahy supporting Michael McConnell's nomination to the United States Court of Appeals for the Tenth Circuit. I also joined a group letter to this effect and participated in a Department of Justice Press Availability regarding the nomination.

On June 17, 2002, I provided a brief letter to Senator Paul Sarbanes concluding that a provision of the Public Company Accounting Reform and Investor Act of 2002 ("Sarbanes-Oxley") likely would survive a challenge brought under the Appointments Clause of Article II of the Constitution.

On April 12 and 13, 2001, I joined two group letters to senators supporting Peter Keisler's nomination to the United States Court of Appeals for the Fourth Circuit.

As Deputy Assistant to the President for Domestic Policy, I gave formal press briefings on the following occasions:

5/27/98	Welfare reform (with Secretary Donna Shalala and Eli Segal)
3/9/98	Tobacco legislation (with Chris Jennings)
2/13/98	Tobacco legislation (with General Barry McCaffery)
11/7/97	White House Conference on Hate Crimes (with Maria Echaveste)

Also as Deputy Assistant to the President for Domestic Policy, I briefed lieutenant governors on education and tobacco issues (2/22/99) and women mayors on domestic policy issues generally (1/26/99). I may have done other, similar briefings of this kind that do not appear in my calendar. I do not have notes for these briefings.

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

I have tried to identify, through the search of calendars, computer files, and hard files, as well as publicly available electronic databases, all talks I have given of the kind described. I am providing written texts and handwritten notes where I have them. In the many appearances I make as dean, I usually get some material from my staff and then speak either without any notes or with handwritten notes,

which I typically discard. Many of these events are reported on by university publications or taped by the law school. I am providing copies of any articles I have found on these events (where such articles exist, the list below states “press provided”), and I am indicating where tapes are on file at Harvard Law School.

DATE	DESCRIPTION	PLACE	COPY/TAPE/ PRESS
12/5/08	Remarks -- Alumni Lunch	NYC	
12/3/08	Remarks -- Faculty Chair Lecture (Cass Sunstein)	HLS	Tape at HLS
11/19/08	Remarks -- HLS Medal of Freedom Award Presentation to Pakistani Chief Justice Iftikhar Chaudhry	HLS	Press Provided Tape at HLS
11/18/08	Remarks -- Ames Moot Court Final Round Argument	HLS	
11/12/08	Welcome -- Islamic Legal Studies Program Workshop	HLS	
11/12/08	Remarks -- Introduced Francis W. Biddle Memorial Lecture given by Ian Ayres	HLS	Tape at HLS
11/10/08	Remarks -- Presentation of Gary Bellow Public Service Award	HLS	
10/29/08	Remarks -- Faculty Chair Lecture (Jon Hanson)	HLS	Press Provided Tape at HLS
10/25/08	Q&A with Dean -- HLS Alumni Reunions	HLS	Tape at HLS
10/24/08	Moderate Panel -- Supreme Insights: Examining the Future of America's Highest Court	HLS	Tape at HLS
10/24/08	Remarks -- HLS Capital Campaign Recognition Luncheon	HLS	
10/23/08	Remarks -- HLS Capital Campaign Celebration Dinner	HLS	Press Provided
10/17/08	Remarks -- Introduce Sandra Day O'Connor as part of HLS Charles Hamilton Houston Institute Conference	HLS	Press Provided Tape at HLS
10/16/08	Remarks -- Equal Justice Works Dinner, acceptance of Dean of the Year Award	Washington, DC	
10/15/08	Remarks -- Dinner Honoring HLS Heyman Fellows	Washington, DC	
10/15/08	Remarks -- Alumni Lunch	Washington, DC	
10/14/08	Welcome -- Introduce Supreme Court Moot Court Event	HLS	
10/14/08	Remarks -- Faculty Chair Lecture (Yochai Benkler)	HLS	Press Provided Tape at HLS
10/7/08	Remarks -- HLS Public Service Initiative Dinner	HLS	
10/6/08	Speech -- John W. King Lecture at New Hampshire Supreme Court	Concord, NH	Text Provided
10/2/08	Remarks -- Introduction to Herbert W. Vaughan Lecture given by Justice Scalia	HLS	Press Provided Tape at HLS
10/1/08	Moderate Panel -- The Financial Crisis: Causes and Cures	HLS	Press Provided Tape at HLS
9/27/08	Welcome -- Introduce Panel at Harvard University Gay and Lesbian Alumni Event	Harvard University	

9/26/08	Remarks -- Conference Honoring HLS Professor Morton Horwitz	HLS	Tape at HLS
9/23/08	Remarks -- Introduce "The Idea of Justice," a lecture by Amartya Sen	HLS	Press Provided
9/23/08	Remarks -- Program on Negotiation: Great Negotiator Award Presented to Christo and Jeanne Claude	Boston, MA	
9/22/08	Moderate Panel -- Dean's Forum: Inside the Laws and Policies of Televised Presidential Debates	HLS	Tape at HLS
9/22/08	Remarks -- introduce Deval Patrick at American Constitution Society event	HLS	Press Provided
9/21/08	Remarks -- HLS Alumni "Celebration 55": Presentation of Alumni Award to Congresswoman Jane Harman	HLS	Tape at HLS
9/20/08	Q&A with Ruth Bader Ginsburg -- HLS Alumni "Celebration 55"	HLS	Tape at HLS
9/19/08	Welcome and Remarks -- HLS Alumni "Celebration 55: Women's Leadership Summit"	HLS	Tape at HLS
9/19/08	Q&A with the Dean -- HLS Alumni "Celebration 55"	HLS	Tape at HLS
9/19/08	Remarks -- HLS Alumni Celebration 55: Presentation of Alumni Award to Rita E. Hauser	HLS	Tape at HLS
9/17/08	Remarks -- HLS Public Service Orientation	HLS	Tape at HLS
9/16/08	Remarks -- Faculty Chair Lecture (Noah Feldman)	HLS	Press Provided Tape at HLS
9/15/08	Speech -- HLS State of the School Speech	HLS	Text Provided
9/12/08	Remarks -- Microsoft 10 Years Later Conference	HLS	Tape at HLS
9/11/08	Remarks -- Faculty Comparative Law Conference	HLS	
9/9/08	Welcome -- HLS Intellectual Property Law Conference	Cambridge, MA	
9/9/08	Moderate Panel -- Dean's Forum: The Role of Courts in the War on Terror	HLS	Tape at HLS
9/2-10/08	Remarks -- First Year Student Welcome Dinners	HLS	
8/29/08	Speech -- Dean's Speech to New 1L and LLM Students	HLS	Text Provided
7/30/08	Remarks -- HLS Charles Hamilton Houston Institute, Thurgood Marshall Celebration	New York, NY	
6/14/08	Moderate Panel--American Constitution Society -- Celebrating Judge Patricia Wald	Washington, DC	
6/13/08	Moderate Panel--American Constitution Society, "Law & Justice Policies In A New Administration"	Washington, DC	Video at acslaw.org/node/6717
6/5/08	Speech -- HLS Commencement	HLS	Text Provided
6/4/08	Remarks--HLS Graduating Students Class Day	HLS	Tape at HLS
5/27/08	Remarks--Retirement Party for Professors Terry Martin and John Mansfield	HLS	
5/22/08	Welcome--HLS Leadership in Law Firms Conference	HLS	
5/15/08	Remarks--Berkman Center 10th Anniversary Event	HLS	Press Provided
5/3/08	Q & A with the Dean--Alumni Reunions	HLS	Tape at HLS
5/2/08	Remarks--Alumni Lunch	HLS	Tape at HLS

5/1/08	Remarks--Standing Committee of Judicial Conference Reception	HLS	
4/24/08	Remarks--Harvard University Native American Program Event	HLS	
4/18/08	Remarks--International Law Journal Conference	HLS	Tape at HLS
4/17/08	Remarks--Third Year Student Graduation Dinner	HLS	
4/15/08	Remarks--HLS Alumni Breakfast	Washington, DC	
4/11/08	Welcome--Carbon Offsets Conference Luncheon	HLS	
4/4/08	Remarks--Memorial Service for Professor Clark Byse	HLS	Text Provided
4/4/08	Remarks -- Introduce Robert Zoellick	HLS	
4/2/08	Remarks--Faculty Chair Lecture (Carol Steiker)	HLS	Tape at HLS
4/2/08	Remarks--Dinner Honoring HLS Kaufman Fellows	HLS	
3/31/08	Talk to federal judges re legal education	HLS	
3/19/08	Moderate Panel sponsored by ACS, Federalist Society on "Post-Partisanship"	HLS	
3/18-19/08	Remarks--Ames Moot Court Semi-Final Round Arguments	HLS	
3/15/08	Q & A with Dean--HLS Public Interest Reunion	HLS	Press Provided Tape at HLS
3/14-15/08	Remarks--Introduce Bryan Stevenson and Bill Weld at HLS Public Interest Reunion	HLS	Tape at HLS
3/14/08	Remarks -- Conversation with Jennifer Granholm at Public Interest Reunion	HLS	Press Provided Tape at HLS
3/11/08	Remarks -- Introduce Q&A with Justice Kennedy	HLS	Tape at HLS
3/10/08	Remarks--Dinner to Celebrate Justice Kennedy's 20th Year on the Supreme Court	HLS	
3/8/08	Panelist -- "Women and the Law" at the Peter Jennings Project Conference	Philadelphia, PA	Audio available http://feeds.feedburner.com/ncprograms
2/27/08	Remarks--Faculty Chair Lecture (George Triantis)	HLS	Tape at HLS
2/22/08	Remarks--HLS Black Law Students Association Spring Conference Alumni Lunch	HLS	
2/20/08	Moderate Panel -- "20 Questions with Anthony Lewis"	Harvard University	
2/19/08	Panelist-- HLS Democrats "Women in Politics" Panel	HLS	Tape at HLS
2/14/08	Remarks--Swearing-in Ceremony for Professor Mary Ann Glendon (U.S. Ambassador to the Vatican)	HLS	
2/4/08	Remarks--Faculty Chair Lecture (John Coates)	HLS	Tape at HLS
2/2/08	Panelist--Dean's Panel at Milbank Partner's Meeting	West Palm Beach, FL	
12/3/07	Remarks--Faculty Chair Lecture (Gerry Neuman)	HLS	Tape at HLS
11/14/07	Remarks--Ames Moot Court Final Round Argument	HLS	
11/13/07	Moderate Panel -- Dean's Forum: Dealing with Terrorism: What Congress and the President Should Do	HLS	Tape at HLS
11/8/07	Q & A with the Dean-- Alumni Leadership Conference	New York, NY	
11/7/07	Remarks--Alumni Dinner	HLS	

11/3/07	Remarks--Bellow Sacks Conference on Legal Services	HLS	
10/29/07	Remarks--Faculty Chair Lecture (Mark Tushnet)	HLS	Press Provided Tape at HLS
10/27/07	Q & A with the Dean--HLS Alumni Reunion	HLS	Tape at HLS
10/26/07	Remarks -- Conversation with Michael Kinsley at Reunion Event	HLS	Tape at HLS
10/24/07	Remarks--Dinner Honoring HLS Heyman Fellows	Washington, DC	
10/17/07	Speech--West Point Academy Keynote Address	West Point Academy	Text Provided
10/4/07	Remarks -- Introduced "Terrorism, Climate Change & Beyond" (Cass Sunstein)	HLS	
10/3/07	Remarks--Asian and Pacific American Law Students Association Dinner	HLS	
10/1/07	Remarks--HLS Alumnae Luncheon	New York, NY	
9/19/07	Remarks--HLS Public Service Orientation	HLS	Press Provided Tape at HLS
9/17/07	Speech--HLS State of the School Speech	HLS	Text Provided
9/17/07	Remarks--Faculty Chair Lecture (Janet Halley)	HLS	Tape at HLS
9/6/07	Remarks--Unveiling of Charles Hamilton Houston Portrait	HLS	Tape at HLS
9/3- 11/07	Remarks--First Year Student Welcome Dinners	HLS	
8/31/07	Speech--Dean's Speech for New 1L and LLM Students	HLS	Text Provided
7/28/07	Moderate Panel--ACS National Convention, Congress & Balance of Power Panel	Washington, DC	Video at acslaw.org/Node/5196
7/26/07	Remarks--Leadership in Law Firms Reception	HLS	
6/14- 15/07	Various Remarks and Q&A at HLS Alumni Events	Washington, DC	
6/7/07	Speech -- HLS Commencement	HLS	Text Provided
6/6/07	Remarks -- HLS Graduating Students Class Day Ceremony	HLS	Tape at HLS
5/31/07	Remarks -- American Bar Association Law School Development Conference: Soliciting Law Firms	Broomfield, CO	
5/24/07	Remarks -- HLS Program on the Legal Profession Executive Education Program	HLS	
5/23/07	Remarks -- HLS Retiring Faculty Reception	HLS	
4/28/07	Q&A with Dean -- HLS Alumni Reunion	HLS	Tape at HLS
4/26/07	Remarks -- Cox-Richardson-Coleman Public Service Award, received by Patrick Fitzgerald	HLS	
4/25/07	Remarks -- Dinner Honoring HLS Kaufman Fellows	HLS	
4/24/07	Remarks -- Federal Judicial Center Conference on Legal Education	HLS	
4/23/07	Remarks -- Program on Negotiation: Great Negotiator Award, received by Bruce Wasserstein	HLS	Tape at HLS
4/21/07	Remarks -- Latino Law and Public Policy Breakfast	HLS	
4/19/07	Remarks -- Supreme Court Advocacy Project Moot Court	HLS	

4/19/07	Remarks -- Gary Bellow Public Service Award Ceremony	HLS	
4/16/07	Remarks -- Faculty Chair Lecture (Ryan Goodman)	HLS	Tape at HLS
4/16/07	Remarks - Harvard Humanities Center Panel on Human Enhancement	Harvard University	
4/14/07	Remarks -- HLS Civil Rights & Civil Liberties Law Review Dinner	HLS	
4/13/07	Welcome -- ABA Conference: Children and the Law	HLS	Press Provided Tape at HLS
4/13/07	Welcome -- Harvard Law Journal on Law and Gender Conference on Title IX	HLS	Transcript Provided
4/9/07	Remarks -- Introduced John Dewey Lecture in the Philosophy of Law given by Robert George	HLS	Tape at HLS
4/7/07	Remarks -- HLS Charles Hamilton Houston Institute 150th Anniversary of Dred Scott Event	HLS	Press Provided Tape at HLS
3/20/07	Remarks -- Ames Moot Court Semi-Final Round Arguments	HLS	
3/19/07	Moderate Panel -- Petrie-Flom Conference on Proper Legal Limits on Human Enhancement	HLS	Press Provided
3/6/07	Remarks -- HLS/Appleseed Inaugural Lecture, given by Joel Klein	HLS	Tape at HLS
3/3/07	Introduce Panel -- HLS Lambda Conference on Don't Ask Don't Tell	HLS	Transcript Provided
2/20/07	Remarks -- Faculty Chair Lecture (Randall Kennedy)	HLS	
2/16/07	Remarks -- Women's Law Association Conference Dinner	HLS	
2/9/07	Welcome -- HLS Constitutional Law Conference	HLS	
2/6/07	Remarks -- Faculty Chair Lecture (William Stuntz)	HLS	
1/4/07	Panelist -- AALS Plenary Session on Academic Freedom	Washington, DC	Audio at www.aals.org/am2007/thursday/index.html#plenary
12/1/06	Welcome -- HLS American Society for International Law Conference	HLS	Press Provided
11/30/06	Remarks -- Q&A with Justice Scalia	HLS	Press Provided Tape at HLS
11/29/06	Remarks -- Dinner for Justice Scalia	HLS	
11/20/06	Moderate Panel -- Harvard Law Review Supreme Court Forum	HLS	
11/14/06	Remarks -- Ames Moot Court Final Round Argument	HLS	
11/8/06	Remarks -- HLS Alumni Dinner, introduced Jeffrey Toobin	New York, NY	
11/7/06	Remarks -- Faculty Chair Lecture (Joseph Singer)	HLS	Tape at HLS
11/3/06	Remarks -- Festschrift Dinner Honoring Professor Paul Weiler	HLS	
11/1/06	Remarks -- Introduced Francis W. Biddle Memorial Lecture given by Reva Siegel	HLS	Text Provided
10/28/06	Q&A with Dean -- HLS Alumni Reunion	HLS	Tape at HLS
10/28/06	Remarks -- HLS Alumni Reunion Lunch, introduced Justice Kennedy	HLS	Text Provided

10/25/06	Remarks -- Reception Celebrating Establishment of Rite E. Hauser Professorship of Human Rights and Humanitarian Law	HLS	Tape at HLS
10/19/06	Remarks -- Program on International Financial Systems Conference	HLS	
10/18/06	Remarks -- Dinner Honoring HLS Heyman Fellows	Washington, DC	
10/3/06	Remarks -- Introduced Oliver Wendell Holmes Lecture given by Bruce Ackerman	HLS	Tape at HLS
9/21/06	Remarks -- Introduce Aharon Barak	HLS	Press Provided Tape at HLS
9/20/06	Speech -- State of School Address	HLS	Text Provided
9/20/06	Remarks -- Gruber Foundation Dinner honoring Aharon Barak	HLS	
9/19/06	Remarks -- HLS Public Service Orientation	HLS	Press Provided Tape at HLS
9/8/06	Remarks -- Faculty Chair Lecture (Einer Elhauge)	HLS	Press Provided Tape at HLS
9/7/06	Welcome -- HLS Multi-Jurisdictional Mock Patent Trial	HLS	
9/7/06	Remarks -- HLS Petrie Flom Dinner on Law and Bioethics	HLS	
9/4-14/06	Remarks -- First Year Student Welcoming Dinners	HLS	
9/1/06	Speech -- Dean's Speech to New 1L and LLM Students	HLS	Text Provided
7/18/06	Remarks -- Middlesex Committee of the Women's Bar Association	MA	
6/8/06	Speech -- HLS Commencement	HLS	Text Provided
6/7/06	Remarks -- HLS Alumni Lunch	HLS	
6/7/06	Remarks -- HLS Graduating Student Class Day, introducing Linda Greenhouse	HLS	Press Provided Tape at HLS
6/3/06	Panelist -- Princeton Reunion Session on "The Roberts Court: Year One"	Princeton, NJ	
5/26/06	Q&A with the Dean -- Harvard Law School Association of Europe	Catania, ITALY	
5/22/06	Welcome -- Law Teaching Workshop for HLS Alumni	HLS	
5/15/06	Remarks -- HLS Faculty Retirement Celebration (Professors Herwitz, Shapiro, Sander)	HLS	
5/12/06	Remarks -- Introduce Paul Clement at Alumni Event at Supreme Court	Washington, DC	
4/29/06	Q&A with the Dean -- HLS Alumni Reunion	HLS	
4/28/06	Remarks -- Dinner Honoring Professor Frank Sander	HLS	
4/27/06	Remarks -- HLS Scholarship Recipient Dinner	HLS	
4/25/06	Moderate Panel -- Student Panel on Free Expression and Harassment	HLS	
4/24/06	Remarks -- Dinner honoring HLS Kaufman Fellows	HLS	
4/21/06	Welcome -- Breakfast for Annual Harvard Latino Law and Policy Conf	HLS	
4/21/06	Welcome -- Faculty Conference on Criminal Procedure	HLS	

4/19/06	Remarks -- Memorial Service for Professor Arthur von Mehren	HLS	Text Provided
4/12/06	Remarks -- Opening of Navajo Supreme Court Session	HLS	Press Provided Tape at HLS
4/11/06	Remarks -- HLS Law Firm Pro Bono Fair	HLS	
4/11/06	Remarks -- Presentation of Gary Bellow Public Service Award	HLS	
4/8/06	Moderate Panel -- LAMBDA Student Organization Panel on Relationship Between Law Schools and the Military	HLS	
4/5/06	Q & A -- A Conversation with Mark Warner	HLS	Tape at HLS
4/4/06	Remarks and Q&A -- Federal Judiciary Conference on Legal Education	HLS	
3/25/06	Panelist -- Yale Law Journal Symposium, Session on "Energy in the Executive: The Power of Unitary Leadership"	New Haven, CT	
3/21-22/06	Remarks -- Ames Moot Court Semi-Final Round Dinner	HLS	
3/20/06	Welcome -- Harvard Journal on Legislation Symposium, "Middle Class Crunch"	HLS	
3/20/06	Remarks -- Faculty Chair Lecture (David Rosenberg)	HLS	Tape at HLS
3/17/06	Welcome -- HLS Journal of Law and Technology Conference	HLS	
3/17/06	Welcome -- National Democratic Law Students Council Kick-Off Convention	HLS	Press Provided
3/11/06	Welcome -- HLS Black Law Students Association Annual Conference	HLS	
3/10/06	Welcome -- HLS Climate Policy Conference	HLS	
3/10/06	Moderate Panel -- Harvard Journal on Law and Gender conference on legal education and gender	HLS	
3/7/06	Welcome -- Speech by Massachusetts Lieutenant Governor Kerry Healey	HLS	
3/4/06	Welcome -- HLS International Law Journal Symposium	HLS	
2/25/06	Welcome -- UN Reform and Human Rights Conference	HLS	Press Provided Tape at HLS
2/22/06	Remarks -- Faculty Chair Lecture (Martha Minow)	HLS	
2/16/06	Welcome -- HLS Federalist Society and American Constitution Society Sponsored Moot Court	HLS	
2/11/06	Remarks -- HLS Alumni of the Americas Celebration	Miami, FL	
2/6/06	Remarks -- Memorial Service for Professor David Westfall	HLS	Text Provided
2/5/06	Remarks -- Dinner honoring HLS Skadden Fellows	HLS	
1/19/06	Remarks and Q&A -- HLS Alumni Association of Japan	Tokyo, JAPAN	
1/15/06	Remarks -- HLS Alumni Association of China	Beijing, CHINA	
1/11/06	Remarks and Q&A -- HLS Alumni Association of Korea	Seoul, KOREA	
12/3/05	Welcome--HLS Disability Law Workshop	HLS	

11/30/05	Remarks--HLS Petrie Flom Center Celebration	New York, NY	
11/17/05	Remarks--Ames Moot Court Final Competition	HLS	
11/16/05	Remarks--Faculty Chair Lecture (Allen Ferrell)	HLS	
11/12/05	Welcome -- ACS Regional Conference	HLS	Press Provided
11/9/05	Moderate Panel--Dean's Forum: Executive Power, Detention, and Interrogation	HLS	Tape at HLS
11/7/05	Speech--Leslie H. Arps Memorial Lecture on Women and the Law at the Association of the Bar of the City of New York	New York, NY	Text Provided
11/5/05	Welcome--HLS China Symposium	HLS	
11/4/05	Welcome--Panel on Director Liability, sponsored by HLS Corporate Governance Program	HLS	
11/3/05	Remarks--HLS Nuremberg Trials Conference on Pursuing Human Dignity	HLS	
11/2/05	Remarks--Alumni Dinner	New York, NY	
11/1/05	Remarks -- Great Lawyers Forum with Ted Wells	HLS	Press Provided
10/26/05	Welcome--Dinner Honoring HLS Heyman Fellows	Washington, DC	
10/22/05	Q & A with the Dean--Alumni Reunion Weekend	HLS	
10/19/05	Remarks--HLS Conference on Intellectual Property Law	HLS	
10/12/05	Remarks -- LAMBDA Student Event	HLS	
10/11/05	Remarks--Faculty Chair Lecture (Howell Jackson)	HLS	
10/8/05	Speech--American Academy of Arts & Sciences Induction Ceremony	HLS	Text Provided
10/5/05	Remarks--Great Lawyers Forum with Newton Minow	HLS	Tape at HLS
10/3/05	Moderate Panel--Dean's Forum: The U.S. Supreme Court's 2005 Term	HLS	Tape at HLS
10/2/05	Remarks--Alliance of Independent Feminists, Harvard Federalist Society, and Journal of Law & Public Policy Event	HLS	
9/29/05	Q & A with Dean--American Constitution Student Society	HLS	
9/28/05	Moderate Panel--Anglo-American Legal Exchange Panel (with Justices Breyer and Scalia and British counterparts)	HLS	Press Provided Tape at HLS
9/28/05	Remarks--Anglo-American Legal Exchange Dinner	HLS	
9/22/05	Speech--State of the School Address	HLS	Text Provided
9/19/05	Remarks--Federalist Society and American Constitution Society Moot Court	HLS	
9/17/05	Q & A with the Dean-Alumni Leadership Conference & Celebration of Black Alumni	HLS	
9/17/05	Remarks-- HLS Celebration of Black Alumni & Alumni Award to Barack Obama	HLS	Press Provided Tape at HLS
9/16/05	Remarks--HLS Alumni Leadership Conference Dinner	HLS	
9/15/05	Remarks--HLS Charles Hamilton Houston Institute Event	HLS	Tape at HLS
9/10/05	Remarks--HLS Black Law Students Association Luncheon	HLS	
9/9/05	Welcome-- HLS Public Service Student Orientation	HLS	

9/2/05	Speech--Dean's Speech to New 1L and LLM Students	HLS	
9/1-14/05	Remarks--First Year Student Welcome Dinners	HLS	
7/29/05	Moderate Panel-American Constitution Society-Commander-in-Chief Power in the 21st Century	HLS	Transcript provided
6/9/05	Speech -- HLS Commencement	HLS	Text Provided
6/8/05	Remarks -- HLS Alumni Lunch	HLS	
6/8/05	Remarks -- HLS Graduating Student Class Day	HLS	
6/1/05	Panelist -- New Realities of Fundraising at American Bar Association Conference	Jackson Hole, WY	
5/18/05	Remarks -- Federal Judicial Center Program at HLS (remarks on legal education today)	HLS	
4/29/05	Remarks -- HLS Federalist Society & HLS Journal of Law & Public Policy Banquet	HLS	
4/28/05	Remarks -- Dinner Honoring HLS Kaufman Fellows	HLS	
4/23/05	Remarks -- 8th Annual Harvard Latino Law and Policy Conference Breakfast	HLS	
4/16/05	Q&A with the Dean -- HLS Reunions	HLS	Tape at HLS
4/8/05	Remarks -- In Response to Paper Given by Yale Law School Professor Akhil Amar at Constitutional Law Conference	HLS	
4/8/05	Welcome -- HLS Student Conference on Women and War	HLS	
4/6-19/05	Remarks -- Third-Year Student Graduation Dinners	HLS	
3/24/05	Remarks -- Faculty Conference on Governance by Design	HLS	
3/22-23/05	Remarks -- Ames Moot Court Semi-Final Round Arguments	HLS	
3/19/05	Welcome -- Harvard Civil Rights-Civil Liberties Law Review 40th Anniversary Conference	HLS	
3/16/05	Remarks and Q&A -- HLS Students Law Teaching Colloquium	HLS	
3/12/05	Welcome -- Black Law Students Association Banquet	Harvard	
3/5/05	Moderate Panel -- International Law Journal Discussion on Professors Detlav Vagts and Henry Steiner	HLS	
2/26/05	Remarks -- Federalist Society Symposium Banquet	Cambridge, MA	
2/16/05	Remarks -- Dinner Honoring HLS Skadden Fellows	Harvard	
2/7/05	Remarks -- Faculty Chair Lecture (Richard Fallon)	HLS	
1/17/05	Panelist -- Free Speech in Wartime: Theoretical and Practical Perspectives	Rutgers Univ. Law School, Camden NJ	
1/10/05	Remarks -- California Alumni Capital Campaign Kickoff	Los Angeles, CA	
1/9/05	Remarks -- Capital Campaign Dinner, introduced Congresswoman Jane Harman	Los Angeles, CA	
1/8/05	Remarks -- West Coast Alumni Capital Campaign Kickoff	San Francisco, CA	

11/18/04	Remarks -- Ames Moot Court Final Round Argument	HLS	
11/17/04	Remarks -- Chicago Alumni Capital Campaign Kickoff	Chicago, IL	
11/15/04	Moderate Panel -- Dean's Forum: Perilous Times: Free Speech in Wartime - a Conversation with Geoffrey Stone	HLS	
11/8/04	Moderate Panel -- Dean's Forum: 9/11 Commission	HLS	
11/3/04	Remarks -- Radcliffe Women's Faculty Lunch	Harvard	
10/29/04	Moderate Panel -- Comparative Rationalities in European and U.S. Administrative Law	HLS	
10/28/04	Moderate Panel -- Equal Justice Works Conference, Session on Moral Lawyering	Washington DC	
10/27/04	Remarks -- HLS Capital Campaign Kickoff	Washington DC	
10/23/04	Q&A with the Dean -- HLS Alumni Reunion	HLS	
10/19/04	Remarks -- American Friends of Hebrew University Torch of Learning Award Lunch	NYC	Text Provided
10/16/04	Remarks -- Human Rights Program 20th Anniversary Reception	HLS	Text Provided
10/15/04	Remarks -- LAMBDA Student Event	HLS	Press Provided
10/14/04	Welcome -- Conference on The Past, Present & Future of Jewish Settlements in the West Bank and Gaza	HLS	Tape at HLS
10/12/04	Moderate Panel -- Letters to a Young Lawyer Discussion for First-Year HLS Students	HLS	
10/8/04	Remarks -- Archibald Cox Memorial Service	HLS	Text Provided
10/7/04	Remarks -- Dinner Honoring HLS Heyman Fellows	Washington DC	
10/5/04	Moderate Panel -- Dean's Forum: U.S. Supreme Court's 2004 Term	HLS	Tape at HLS
10/4/04	Remarks -- Presentation of Cox-Richardson-Coleman Public Service Award (honoring Senator Sheila Kuehl)	HLS	
10/4/04	Moderate Panel -- Women in Elected Office Discussion	HLS	
10/2/04	Welcome -- Just Democracy Organization Conference	HLS	
9/23/04	Remarks -- HLS Program on the Legal Profession Lunch	HLS	
9/23/04	Speech -- HLS State of the School Speech	HLS	Press Provided
9/22/04	Welcome -- Law Firm Pro Bono Fair	HLS	
9/21/04	Remarks -- HLS Public Service Orientation	HLS	
9/20/04	Remarks -- LLM Student Welcome Dinner	HLS	
9/6-14/04	Remarks -- First-Year Student Welcoming Dinners	HLS	
9/3/04	Speech -- Dean's Speech to New 1L and LLM Students	HLS	
8/5/04	Remarks -- Dinner Celebrating New Faculty Chair (Hieken Professorship of Patent Law)	HLS	
6/15-19/04	Welcome, Remarks -- HLS International Alumni Meeting	London, England	Press Provided

6/11/04	Remarks -- National Pre-Law Advisors Lunch	HLS	
6/10/04	Speech -- HLS Commencement	HLS	Text Provided
6/9/04	Remarks -- HLS Alumni Lunch	HLS	
6/9/04	Remarks -- HLS Graduating Students Class Day	HLS	
6/3/04	Remarks -- Dinner Celebrating New Faculty Chair (Robert C. Clark Professorship)	HLS	
5/15/04	Speech -- North American Meeting of Lex Mundi	Boston, MA	Text Provided
5/6/04	Remarks -- Boston Alumni Regional Campaign Kickoff	HLS	
5/4/04	Remarks -- Introduction to Lecture by Jeremy Waldron ("Safety, Security & Public Goods With Structure")	HLS	
4/29/04	Remarks -- Massachusetts Superior Court Judges Lunch	Dedham, MA	
4/29/04	Remarks -- Dinner Honoring HLS Kaufman Fellows	HLS	
4/24/04	Q&A with the Dean -- HLS Alumni Reunions	HLS	
4/23/04	Remarks -- Alumni Lunch	HLS	Tape at HLS
4/22/04	Remarks -- HLS Dinner For Scholarship Recipients	HLS	
4/21/04	Moderate Panel -- Dean's Forum on Faculty Book (David Kennedy: The Dark Side of Virtue)	HLS	Tape at HLS
4/13-17/04	Various Remarks -- Brown v. Board of Education at 50 Conference	HLS	Press Provided Tape at HLS
4/7-26/04	Remarks -- Third-Year Student Graduation Dinners	HLS	
3/17-18/04	Remarks -- Ames Moot Court Semi-Final Arguments	HLS	
3/16/04	Remarks -- Cox-Richardson-Coleman Public Service Award (honoring Senator Paul Sarbanes and Inspector General Glenn Fine)	HLS	Press Provided
3/11/04	Moderate Panel -- Dean's Forum on Faculty Book (Charles Fried: Saying What the Law Is: The Constitution in the Supreme Court)	HLS	Tape at HLS
3/7/04	Remarks -- HLS Black Law Students Association Brunch	HLS	
3/1/04	Remarks -- Talk to Federal Judicial Conference on Legal Education	HLS	
2/27/04	Remarks -- HLS Alumni of Florida Dinner	Miami, FL	
2/17/04	Moderate Panel -- Dean's Forum on Gender and the Classroom	HLS	Tape at HLS
2/11/04	Remarks -- Harvard Alumni of Illinois Lunch	Chicago, IL	
2/10/04	Remarks -- HLS Alumni of Houston Breakfast	Houston, TX	
2/9/04	Remarks -- HLS Alumni of Dallas Lunch	Dallas, TX	
2/5/04	Moderate Panel -- Dean's Forum on Goodridge v. Dept. of Public Health	HLS	Tape at HLS
1/30/04	Remarks -- HLS Alumni of New York Lunch	New York City, NY	
1/23/04	Remarks -- Dinner Honoring HLS Skadden Fellows	HLS	
1/22/04	Speech -- NYU New Building Dedication (speech on Dean Roscoe Pound's 1952 Speech "Legal Education in a Unified World")	New York City, NY	Text Provided

1/5/04	Remarks -- HLS Atlanta/Regional Alumni Lunch	Atlanta, GA	
12/8/03	Remarks -- Harvard Alumni of Illinois Lunch	Chicago, IL	
11/15/03	Remarks -- In Response to Paper Given by Professor Bruce Ackerman at Constitutional Law Conference	HLS	
11/13/03	Remarks -- HLS JD/MBA Reunion Dinner	New York City, NY	
11/12/03	Remarks -- Ames Moot Court Final Round Argument	HLS	
11/7/03	Remarks -- Environmental Law Conference	HLS	
11/6/03	Q&A with the Dean -- HLS Alumni of New Jersey	New Jersey	
10/30/03	Remarks -- HLS Alumni of Southern California Lunch	Los Angeles, CA	
10/28/03	Remarks -- HLS Alumni of Massachusetts Lunch	Boston, MA	
10/25/03	Q&A with the Dean -- HLS Alumni Reunions	HLS	
10/24/03	Remarks -- Hale & Dorr Legal Services Center 10th Anniversary	HLS	
10/23/03	Remarks -- HLS Law Teachers' Colloquium for Students	HLS	
10/20/03	Moderate Panel -- Dean's Forum: Beyond Bush & Estrada? Ideological Judges & the Confirmation Process	HLS	Tape at HLS
10/16/03	Remarks -- HLS Alumni Dinner	New York City, NY	
10/15/03	Remarks -- Faculty Chair Lecture (Terry Fisher)	HLS	Tape at HLS
10/14/03	Remarks -- Gary Bellow Public Service Award Reception	HLS	
10/10/03	Welcome -- LAMBDA Student Conference	HLS	Press Provided
10/9/03	Moderate Panel -- Dean's Forum on U.S. Supreme Court's 2003 Term	HLS	Tape at HLS
10/8/03	Remarks -- Unveiling of Archibald Cox Portrait	HLS	Press Provided Tape at HLS
10/2/03	Moderate Panel -- Letters to a Young Lawyer Discussion for First-Year HLS Students	HLS	Tape at HLS
9/22/03	Remarks - Faculty Book Party (Elizabeth Warren: The Two-Income Trap)	Washington, DC	
9/20/03	Remarks -- HLS Gay and Lesbian Alumni Reunion	Cambridge, MA	Press Provided
9/19/03	Remarks -- HLS Alumni Leadership Conference Lunch	HLS	
9/17/03	Speech -- HLS State of the School Speech	HLS	Text Provided
9/5/03	Remarks -- Introduce Warren Christopher	HLS	Press Provided
9/2-11/03	Remarks -- First-Year Student Welcome Dinners	HLS	
8/31/03	Remarks -- ColorLines Conference -- Plenary Session: The Future of Race in the Law	HLS	
8/29/03	Speech -- Dean's Speech to New 1L & LLM Students	HLS	
8/2/03	Moderate Panel -- American Constitution Society conference (Originalism, Original Intent, Original Meaning Panel)	Washington, DC	Transcript Provided
7/24/03	Remarks -- HLS Alumni Reception	Washington, DC	

6/21/03	Remarks on judicial review to Princeton Alumni	Williamsburg, VA	Notes Provided
2/24/03	Remarks on judicial review in administrative and constitutional law at academic conference	University of Minnesota Law School	Notes Provided
2/13/03	Remarks on Presidential Administration article	Florida State Law School	
1/5/03	Remarks on Presidential Administration article at academic conference (American Association of Law Schools)	Washington, DC	
10/18/02	Remarks on Congressional Interpretation of Constitution at academic conference	Williamsburg, VA	
3/12/02	Moderate Panel -- Journal of Legislation panel on affirmative action in higher education	HLS	
11/1/01	Remarks on executive review of regulation at American Bar Association conference	Washington, DC	Notes Provided
10/12/01	Remarks on paper by Professor Chris Schroeder on deliberative democracy at academic conference	Duke Law School, Durham, NC	
9/13/01	Remarks -- Yale Law School Legal Theory Workshop on Presidential Administration article	New Haven, CT	
4/21/01	Toastmaster and Introduce Merrick Garland at Harvard Law Review Banquet	Boston, MA	Text Provided
11/17/00	Remarks -- HLS Faculty Workshop on Presidential Administration article	HLS	Notes Provided
10/3/00	Debate with Charles Fried on presidential election at Harvard Kennedy School	Cambridge, MA	
4/5/97	Remarks on presidential appointment power at academic conference	Case Western Law School, OH	
5/16/96	Remarks on work of White House Counsel's Office to University of Chicago Alumni	Washington, DC	
5/9/96	Remarks on Work of White House Counsel's Office to Treasury Department lawyers	Washington, DC	
2/16/96	Remarks on Speech Codes at academic conference	University of California at Davis	Notes Provided
9/21/95	Remarks on Relationship Between First Amendment Doctrine and Technological Change at Libel Lawyers' Conference	McLean, VA	Notes Provided
8/2/95	Remarks on work of White House Counsel's Office to Sidley and Austin summer associates	Washington, DC	
4/28/95	Remarks on constitutionality of speaker-based restrictions at American Bar Association panel on communications law	Washington, DC	Notes Provided
12/3/94	Remarks on gender and legal education at academic conference	University of Chicago Law School	

11/5/94	Remarks on <i>Shaw v. Reno</i> at academic conference	University of Chicago Law School	
2/10/94	Remarks on First Amendment doctrine at faculty workshop	University of Chicago Law School	Notes Provided
11/15/93	Remarks on the judicial confirmation process to law school alumni	Chicago, IL	
10/23/93	Remarks on critical race theory to high school teachers	Chicago, IL	Notes Provided
10/16/93	Remarks on censorship in schools at Chicago Humanities Festival	Chicago, IL	Notes Provided
5/15/93	Remarks on hate speech at academic conference	University of Chicago Law School	
4/23/93	Remarks on First Amendment article at faculty workshop	St. Louis University Law School	
3/6/93	Remarks on hate speech at academic conference	University of Chicago Law School	
2/11/93	Remarks on Thurgood Marshall to law school alumni	Chicago, IL	
10/10/92	Moderate panel on press freedom at academic conference	University of Chicago Law School	
Fall 1992	Remarks on legal education to law school alumni	University of Chicago Law School	Notes Provided

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

I have tried to recall and search for interviews to the best of my ability. I have relied on a search of Nexis to accomplish this task for publications other than those associated with Harvard University. I have separately searched the archives of all Harvard publications. I list below (and provide) all articles I have found in which I am quoted, first from my search of Nexis and next from my search of Harvard publications:

These articles are from general publications:

DATE	PUBLICATION	HEADLINE
12/7/2008	New York Times	Harvard Lightning Rod Finds Path to Renewal With Obama

6/18/2008	States News Service	Ex-Treasury, Congressional Tax Expert Berman to Head Graduate Tax Program at BU Law School
3/19/2008	Boston Globe	Harvard Law plan good news for public sector/Tuition waiver makes choice more attractive
3/18/2008	New York Times	Harvard Law, Hoping Students Will Consider Public Service, Offers Tuition Break
Autumn 2007	The Journal of Blacks in Higher Education	The Decline in Black Enrollments at the Nation's Highest-Ranked Law Schools
10/31/2007	New York Times	Training Law Students for Real-Life Careers
1/17/2007	New York Times	At Berkeley Law, a Challenge to Overcome All Barriers
10/7/2006	New York Times	Harvard Law Decides to Steep Students in 21st-Century Issues
9/18/2005	Boston Globe	Obama urges alumni to help fight poverty/Gives speech at Harvard meeting of black grads
9/10/2005	Boston Globe	Elite Colleges' Welcome Brings Unexpected Boon
8/4/2005	Associated Press	Roberts Puts Harvard Law on Hot Streak
May 2004	The Metropolitan Corporate Counsel	New England and Boston - Law Schools; Harvard Law School: Progress on Many Fronts
6/15/2003	Boston Globe	Harvard Law School Launches Ambitious Fund-Raising Campaign
1/22/1999	Seattle Post-Intelligencer	State Joins Fight to Keep Tobacco Money From Feds
11/21/1998	The National Journal	Clinton and Tobacco: What Now?
11/12/1998	Newsday (New York)	A Weaker Settlement? New Tobacco Deal Not as Strong on Teen Smoking, Critics Say
10/1/1998	Associated Press	With Fear, Fascination, Lockhart Takes Press Secretary Role
8/15/1998	Los Angeles Times	Court Rules FDA Cannot Regulate Tobacco as Drug; Law: Appeals Panel's Decision Deals Key Blow to Clinton Administration's Fight to Curb Youth Smoking. Judges Say Congress Never Gave the Agency Jurisdiction.
8/15/1998	Newsday (New York)	Big Tobacco's Victory / Appeals Court Bars FDA Regulation
6/23/1998	Philadelphia Inquirer	Clinton to Survey Teen Smoking Habits / The President, Still Hoping for a Tobacco-Control Bill, Said the Data Would Reveal Which Ads Entice Children.
5/9/1998	Star Tribune (Minneapolis, MN)	Cost of National Deal Probably Just Went Up
4/3/1998	St. Petersburg Times (Florida)	As Clinton Returns, Foes Who Smelled Victory Taste Defeat

4/1/1998	New York Times	Heated Hearing Over the Fate of an Agency
3/31/1998	San Antonio Express-News (Texas)	Tobacco Bill Would Limit Annual Liability at \$6.5 Billion
3/22/1998	Newsday (New York)	Tobacco Deal's Hazy Outlook. Working Out Details of the Tobacco Deal
1/30/1998	Los Angeles Times	Cigarette Execs Get Cool Reception at House Hearing; Tobacco: They Express Regret, Push for Ratification of Landmark Settlement. But Deal's Prospects Have Grown Cloudy.
1/29/1998	Los Angeles Times	National Perspective; Legislation; Proposed Tobacco Settlement Isn't Setting Congress on Fire; Some Lawmakers are Beginning to Gravitate Toward a Scaled-Back Alternative to the Sweeping Deal.
1/27/1998	Newsday (New York)	Disclosure of Targeting Teens Could Smother Smoking Deal
11/10/1997	Associated Press	Clinton Opens Hate Crime Conference
8/10/1997	Knight Ridder Washington Bureau	Clinton Wants Business to View Welfare Recipients as Untapped Resources
7/28/1997	Austin American-Statesman (Texas)	Clinton Tells States to Put Welfare to Work for Poor
7/28/1997	Charlotte Observer (North Carolina)	Funds for the Poor Should Go to Poor, Clinton Says
6/5/1997	New York Times	G.O.P. Backing Off a Deal to Restore Aid to Immigrants
8/12/1994	Associated Press	Mikva's Political Skills to be Tested as Clinton's New Counsel
1/16/1994	Chicago Tribune	In His Court; Mikva Brings a Politician's Perspective to the Federal Bench

These articles are from Harvard publications:

DATE	PUBLICATION	HEADLINE
12/18/08	Harvard Gazette	Lawrence Lessig Receives Two Harvard Appointments
10/27/08	Harvard Crimson	HLS Looks to Public Sector
10/1/08	Harvard Law Bulletin	Northwest Passage
10/1/08	Harvard Law Bulletin	A Fundamental Advantage
5/29/08	Harvard Gazette	Harvard Law School Campaign Surpasses Goal
5/22/08	Harvard Gazette	Affordable Harvard: A Year of Financial Aid Initiatives
5/15/08	Harvard Gazette	Harvard Elevates Study of Technology and Society
5/7/08	Harvard Crimson	Law School Adopts Open Access for Scholarship
4/24/08	Harvard Crimson	HLS Dean Joins Indian Fund Board
4/1/08	Harvard Law Bulletin	Intermission

4/1/08	Harvard Law Today	New Public Service Initiative Launched
4/1/08	Harvard Law Today	Celebration of Public Interest Draws More Than 700
4/1/08	Harvard Law Today	Three Standouts Headed for HLS
4/1/08	Harvard Law Today	Justice Kennedy Swings by for a Visit
4/1/08	Harvard Law Today	Elhauge Book Forum Brings Breyer to HLS
3/19/08	Harvard Crimson	HLS to Cut Tuition for Public Service
2/21/08	Harvard Gazette	Sunstein Joins HLS, Where Eminent Scholar Will Direct New Program
1/31/08	Harvard Law Record	Admin Announces New, Friendlier 3L Paper Requirement
1/1/08	Harvard Law Bulletin	A Curriculum of New Realities
1/1/08	Harvard Law Bulletin	At Home in the World
1/1/08	Harvard Law Bulletin	The Ultimate Cafeteria
1/1/08	Harvard Law Bulletin	He was Kingsfield, but also so much more'
11/29/07	Harvard Law Record	Dean Starts Program to Boost Practitioners Into Academia
10/1/07	Harvard Law Today	HLS Makes 11 New Faculty Appointments
5/18/07	Harvard Crimson	HLS to Reduce Library Purchases
5/1/07	Harvard Law Today	Wassersteins Give \$25 Million for Academic Center
5/1/07	Harvard Law Today	Kathryn Spier to Join HLS Faculty
4/26/07	Harvard Law Record	Legal Services Center Budget Cut by \$200K
4/1/07	Harvard Law Bulletin	Diversified Portfolio
3/23/07	Harvard Crimson	Alum Gives \$25M to Build Law Center
2/23/07	Harvard Crimson	Law, Politics, and Debate Merge in HLS Journal
2/15/07	Harvard Law Record	HLS Students Apply Their Skills in New Orleans
2/14/07	Harvard Crimson	With Kagan at Helm, Law School Celebrates
2/12/07	Harvard Crimson	Across Campus, Profs Praise Faust
2/1/07	Harvard Law Today	Noah Feldman Joins the Harvard Law Faculty
1/17/07	Harvard Crimson	Kagan Joins Critics of Boycott Proposal
1/1/07	Harvard Magazine	A New Script for One L
12/1/06	Harvard Law Today	Rethinking Langdell
10/12/06	Harvard Law Record	Faculty Unanimously Overhauls First-Year Curriculum
10/10/06	Harvard Crimson	Another Feather in Kagan's Cap
10/1/06	Harvard Law Bulletin	Traffic on the Off-Ramp

9/1/06	Harvard Law Today	Strict Construction
9/1/06	Harvard Law Today	Fallon Joins American Academy of Arts and Sciences
9/1/06	Harvard Law Today	Seven New Profs Join HLS Faculty Ranks
6/5/06	Harvard Crimson	Law Review Debates Affirmative Action Policy
6/1/06	Harvard Law Bulletin	Asia 2006
5/24/06	Harvard Crimson	Behind the Scenes, Bok Readies for His Role as Interim President
4/1/06	Harvard Law Bulletin	David Westfall, 1927-2005
4/1/06	Harvard Law Bulletin	Arthur T. von Mehren, 1922-2006
4/1/06	Harvard Law Today	Spring Ahead
4/1/06	Harvard Law Today	Accepting Their Chairs
4/1/06	Harvard Law Today	Show Me the Money!
3/9/06	Harvard Law Record	Harvard Law Reacts Strongly to Summers Departure
3/6/06	Harvard Crimson	HLS Dean Scott Nichols To Resign After 20 Years
2/22/06	Harvard Crimson	Outside FAS, Support Was Strong for Summers
2/21/06	Harvard Crimson	Report: Summers Set To Resign
1/1/06	Harvard Law Today	New Center to Explore Intersections of Health, Technology, and Law
1/1/06	Harvard Law Today	HLS Students and Alumni Win Record Number of Public Service Fellowships
12/9/05	Harvard Crimson	Law Students Snag Fellowships
11/1/05	Harvard Law Today	A Summer Workout
9/16/05	Harvard Crimson	Law School Adds Five Professors
9/15/05	Harvard Gazette	HLS Adds Five New Professors to its Ranks
9/1/05	Harvard Law Today	Five New Professors Join HLS Faculty
9/1/05	Harvard Law Today	Packing the Court
8/25/05	Harvard Gazette	McCrossan Appointed Dean for Administration at HLS
4/29/05	Harvard Crimson	Academy Honors 13 Harvard Faculty
4/1/05	Harvard Law Bulletin	Can Reporters Refuse to Testify?
4/1/05	Harvard Law Bulletin	Sowing the Seeds of Public Service at HLS
2/17/05	Harvard Gazette	FAS, HLS to Renovate Hemenway Gymnasium
2/10/05	Harvard Law Record	Fallon Appointed to Ralph S. Tyler, Jr. Professorship of Constitutional Law
1/24/05	Harvard Crimson	Joint Law and FAS Degree Program Satisfies Students of Two Minds
1/1/05	Harvard Law Today	Subramanian Joins Tenured Faculty

1/1/05	Harvard Law Today	Cox Family Establishes Fund to Assist Students Pursuing Careers in Public Service
12/8/04	Harvard Crimson	Law School Looks for New Blood
12/1/04	Harvard Crimson	HLS Bans Military
12/1/04	Harvard Law Today	Editors of Indian Law Handbook Convene
12/1/04	Harvard Law Today	Election Round-Up
12/1/04	Harvard Law Today	Big Plans Highlight Dean Elena Kagan's 2L Year
11/10/04	Harvard Crimson	Ice Skating Rink to Open in the Square
11/2/04	Harvard Crimson	Kerry May Tap Kagan for Court
9/30/04	Harvard Crimson	Military Recruits at HLS
9/22/04	Harvard Crimson	Harkness, Law School's Loker, Gets Facelift
9/21/04	Harvard Crimson	Professors Trade Pads
9/16/04	Harvard Gazette	Big Plans Highlight Dean Elena Kagan's 2L Year
9/15/04	Harvard Crimson	Law School Announces New Hires
9/13/04	Harvard Crimson	Ogletree Faces Discipline for Copying Text
9/1/04	Harvard Law Today	Students and Faculty Connect in First-Year Reading Groups
9/1/04	Harvard Law Today	From an Old Building, New Spaces
9/1/04	Harvard Law Today	Three Professors Added to Tenured Faculty Ranks
8/13/04	Harvard Crimson	HLS Undergoes Renovations
7/30/04	Harvard Crimson	Obama Stars at Convention
4/1/04	Harvard Law Bulletin	Why Harvard Law School Needs Your Money
4/1/04	Harvard Law Bulletin	A New Ballgame
3/11/04	Harvard Law Record	HLS Goes for the Gold
3/1/04	Harvard Magazine	An Icy Amenity
2/19/04	Harvard Law Record	Dean Richardson Steps Down
2/5/04	Harvard Law Record	Great Skate!
2/5/04	Harvard Law Record	Civil Rights Project Loses Edley, Marches On
2/5/04	Harvard Law Record	Harvard Increases Joint Degree Programs
1/22/04	Harvard Gazette	Lawyers on Ice
1/16/04	Harvard Crimson	Law Students Lace Up Their Skates
1/14/04	Harvard Crimson	Faculty File Brief Against Pentagon
1/1/04	Harvard Law Today	School Wins Record Number of Skadden Fellowships
11/10/03	Harvard Crimson	Law Review Draws Fire for Gender Gap
11/6/03	Harvard Law Record	Internal Law Review Report Leaked
9/11/03	Harvard Law Record	Renovations Greet Returning Students
9/1/03	Harvard Law	Ogletree Chosen to Head Brown v. Board Commission

	Today	
7/17/03	Harvard Gazette	HLS Launches Campaign to Raise \$400 Million
7/1/03	Harvard Magazine	At the HLS Helm
6/27/03	Harvard Crimson	Law School Launches \$400M Campaign
6/5/03	Harvard Crimson	People in the News: Elena Kagan
5/1/03	Harvard Law Today	Elena Kagan Named the Next Dean of Harvard Law School
4/10/03	Harvard Law Record	Kagan Promises More Faculty, Reevaluation of "Essential Structure"
4/3/03	Harvard Gazette	Elena Kagan Named the Next Dean of Harvard Law School
11/29/01	Harvard Law Record	HLS Zeros in on Allston
10/4/01	Harvard Law Record	Coates, Kagan Reap Benefits of Experience

While Deputy Assistant to the President for Domestic Policy, on March 2, 1999, I participated in an on-line interview on a variety of subjects conducted by MS-NBC. I am providing a transcript of this interview.

While a professor at the University of Chicago, I appeared at least twice on the Mara Tapp show on WBEZ. On February 4, 1993, I discussed Thurgood Marshall, and on December 15, 1994, I participated in a roundtable on the Bill of Rights. I also may have participated in a discussion of the Supreme Court on WGN in Chicago on October 25, 1994. (My calendar contains such an entry, but I do not recall it.) I have been unable to locate transcripts or tapes of these appearances.

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

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

U.S. Court of Appeals for the D.C. Circuit, nominated in 1999 by President William Clinton; nomination never acted upon.

Deputy Assistant to the President for Domestic Policy, 1997-99, appointed by President William Clinton

Associate Counsel to the President, 1995-96, appointed by President William Clinton

Special Counsel, U.S. Senate Judiciary Committee, summer 1993, appointed by Senator Joseph Biden

I have never been a candidate for elective public office.

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

Between July and November 1988, I worked as a researcher for the Dukakis for President campaign. I was a junior staffer and do not believe I had an official title. I mostly worked on “defense research” – i.e., preparing responses to attacks on Governor Dukakis’s record.

In the fall of 1996, I played a small role in debate preparation for President Clinton during his re-election campaign. I did this work (mostly preparing mock questions and answers) in accordance with the law addressing political activity of White House employees.

15. **Legal Career:** Please answer each part separately.

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

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

Hon. Thurgood Marshall, U.S. Supreme Court, 1987-88

Hon. Abner Mikva, U.S. Court of Appeals for the D.C. Circuit, 1986-87

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

I have never practiced alone.

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

Professor and Dean, Harvard Law School, Cambridge, MA 02138, 1999-present (2003-present as dean, 2001-present as professor, 1999-2001 as visiting professor)

Deputy Assistant to the President for Domestic Policy, Executive Office of the President, Washington, D.C. 20502, 1997-99

Associate Counsel to the President, Executive Office of the President,
Washington, D.C. 20502, 1995-96

Professor, University of Chicago Law School, 1111 E. 60th St., Chicago,
IL 60637, 1991-97 (1991-94 as assistant professor)

Special Counsel, Senate Judiciary Committee, Summer 1993

Associate, Williams & Connolly, 725 12th St., Washington, DC 20005,
1989-91

b. Describe:

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

My legal career (following two years of clerking) has had a number of distinct stages. From 1989 to 1991, I served as an associate at Williams & Connolly, a Washington, D.C. law firm. I handled a mix of commercial litigation, First Amendment litigation, and criminal matters at the firm. From 1991 to 1995, I was a professor at the University of Chicago; my principal scholarship during that time was in the field of constitutional law. I took one summer off during that period to serve as special counsel to the Senate Judiciary Committee, working on the nomination of Ruth Bader Ginsburg to the U.S. Supreme Court. From 1995 to 1999, I worked at the White House, first in the Counsel's Office and then in the Domestic Policy Council (DPC). In the Counsel's Office, I primarily acted as a lawyer for the White House policy councils and legislative office. In the DPC, I played a role in the formulation, advocacy, and implementation of law and policy in areas ranging from education to crime to public health. Between 1999 and 2003, I again served as a professor, but at Harvard Law School; my scholarship and teaching during these years focused on constitutional and administrative law. Starting in 2003, I have served as the dean of Harvard Law School. In this capacity, I oversee every aspect of the institution, academic and non-academic alike.

- ii. your typical clients and the areas, if any, in which you have specialized.

I have had private clients only during the time I was an associate at Williams & Connolly. Those clients included business entities in civil litigation, press organizations defending themselves in libel and related actions, and white-collar criminal defendants.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

The only part of my practice that involved litigation was my work as an associate at Williams & Connolly between 1989 and 1991. I appeared in court occasionally during that time.

- i. Indicate the percentage of your practice in:
 1. federal courts;
 2. state courts of record;
 3. other courts.

The litigation practice noted above occurred primarily in federal court.

- ii. Indicate the percentage of your practice in:
 1. civil proceedings;
 2. criminal proceedings.

The litigation practice noted above was approximately two-thirds civil and one-third criminal.

- d. State the number of cases in courts of record you tried to verdict or judgment (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have never tried a case to verdict or judgment.

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

Not applicable; see above.

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

I have not practiced before the Supreme Court as counsel.

With many of my faculty colleagues, I joined an amicus brief in the Supreme Court (as well as in the Third Circuit) in support of FAIR in its suit against Secretary Rumsfeld challenging the Solomon Amendment, which governs universities' treatment of military recruiters. I did not participate in the drafting of this brief. Whereas the main argument in the case was constitutional, the amicus brief presented a statutory argument – that the Amendment did not require universities to make special exemptions for the military to neutral and generally

applicable recruiting rules. The Supreme Court unanimously rejected all claims, constitutional and statutory alike.

16. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:
- a. the date of representation;
 - b. the name of the court and the name of the judge or judges before whom the case was litigated; and
 - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

As noted above, most of my legal career has not involved litigation. The following ten cases are representative of my litigation experience as an associate at Williams & Connolly between 1989 and 1991. Please note that these matters occurred almost two decades ago. I have tried to update addresses and telephone numbers to the extent possible.

(a) Federal Realty Investment Trust v. Pacific Insurance Co., No. R-88-3658. We represented a real estate investment trust in an action against an insurer for the costs of defense associated with a prior litigation. I began work on the case in the middle of the litigation; I did some late discovery and drafted most of the pre-trial motions. On the eve of trial, Judge Norman Ramsey of the U.S. District Court for the District of Maryland ruled in favor of our position on the appropriate standard for allocating defense costs between covered and uncovered parties and claims (760 F. Supp. 533 (1991)). This ruling immediately produced a settlement favorable to our client.

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(b) In re Seatrain Lines, Inc., Nos. 81 B 10311, 81 B 10916, 81 B 11059, 81 B 12345, 81 B 12525, 81 B 11845, 81 B 11004, 81 B 11512. We represented Seatrain Lines, Inc., a debtor in bankruptcy, in U.S. Bankruptcy Court in the Southern District of New York (Judge Burton Lifland presiding) in connection with an application by Chase Manhattan Bank and Milbank, Tweed, Hadley & McCloy for legal fees associated with the bankruptcy case. In response to the filing of the fee application, our client counterclaimed against Chase for the recovery of the costs of preserving and disposing of certain properties subject to Chase's security interest. I handled some of the discovery and drafted most of the pleadings. When the court denied Chase's motion to strike our counterclaim (and a subsequent motion for reconsideration), the parties settled on terms favorable to our client.

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Hon. John G. Koeltl
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Cynthia Cunningham
Then – Milbank, Tweed, Hadley & McCloy
Now – Unknown

(c) Toyota of Florence, Inc. v. Lynch, Nos. 4-89-594-15, 4-89-595-15. We represented Southeast Toyota Distributors, Inc. in a suit brought by one of its franchisees alleging fraud, intentional interference with contract, violations of RICO, and a host of other claims. I drafted numerous pleadings in the case, including an opposition to the plaintiff's motion to remand (granted by Judge Hamilton of the U.S. District Court for South Carolina at 713 F. Supp. 898 (1989)), as well as motions to dismiss and discovery motions (ruled on by Judge Edwin Cottingham of the Court of Common Pleas for Darlington County). I also handled some of the discovery. I left the firm prior to trial. Ultimately, a verdict for the plaintiff was dismissed on appeal.

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(d) Byrd v. Randi, No. MJG-89-636. We represented defendant Montcalm Publishing Corp. in a libel action arising from an allegation that the plaintiff was in prison for child molestation. The case presented issues relating to the “libel-proof plaintiff” doctrine, the definition of a “limited purpose public figure,” and the actual malice standard. I did most of the discovery, drafted our summary judgment motion and other pleadings, and argued the summary judgment motion before the district court. After initially denying the motion, Judge Marvin Garbis of the U.S. District Court for the District of Maryland dismissed the case a few months later on a motion for reconsideration.

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(e) In Re Application of News World Communications, Inc., Nos. 89-3160, 89-212. We represented the Washington Post and WRC-TV in this effort to compel release to the

public of unredacted transcripts of audiotapes to be received in evidence at a criminal trial. I argued motions before Judge Charles Richey of the U.S. District Court for the District of Columbia to compel release of the transcripts and to prevent redaction. Judge Richey granted both motions, with the latter reported at 17 Media L. Rep. 1001 (1989). The Court of Appeals for the D. C. Circuit, with Judges Wald, Silberman, and Sentelle hearing argument, denied a motion to stay this order (17 Media L. Rep. 1004 (1989)).

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(f) J. Odell Anders v. Newsweek, Inc., No. 90-715. We represented Newsweek, Inc. on appeal from a jury verdict in its favor in a libel action filed in the Southern District of Mississippi. The case raised questions about the actual malice standard, as well as numerous evidentiary issues. I drafted the appellate brief urging affirmance. The U.S. Court of Appeals for the Fifth Circuit held in our favor by unpublished opinion (judgment reported at 949 F.2d 1159 (1991)).

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(g) Luke Records, Inc. v. Nick Navarro, No. 90-5508. We filed an amicus brief in the U.S. Court of Appeals for the Eleventh Circuit on behalf of the Recording Industry Association of America and numerous record companies, challenging the decision of the district court that a musical recording was obscene under the standard set forth by the Supreme Court in Miller v. California. I drafted the brief in the case, which stressed the difficulty of holding music obscene under prevailing constitutional law. Judge Lively, joined by Judges Anderson and Roney, reversed the district court's decision (960 F.2d 134 (1992)).

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(h) Bagbey v. National Enquirer, No. CV 89-2177. We represented the National Enquirer in this libel action brought by a person mistakenly identified in the publication as being Jimmy Swaggert's father. I drafted all pleadings and did all discovery in the case, which began in Louisiana state court but which we removed to the U.S. District Court for the Western District of Louisiana (Judge F.A. Little, Jr.). We eventually settled the case on terms favorable to our client.

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Opposing Counsel: Eugene P. Cicardo, Sr.
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Alexandria, LA 71309
(318) 445-2097

(i) Chuang v. United States, No. 89-1309. We represented Joseph Chuang, a former bank president, on his appeal from a criminal conviction for numerous counts of bank fraud. The principle issues in the case concerned the propriety of two warrantless searches of the bank, one by the Office of the Comptroller of the Currency and one by the FDIC. I drafted most sections of the brief, which argued among other matters (1) that the statute authorizing the OCC's search failed to provide a constitutionally adequate substitute for a warrant, as required by the Supreme Court, and (2) that the FDIC's search was invalid because it went beyond the bank premises into Chuang's law firm offices. The Second Circuit affirmed the conviction, with Judge Timbers writing and Judges Newman and Altimari joining (897 F.2d 646 (1990)).

Co-Counsel: Robert S. Litt
Then – Williams & Connolly
Now - Arnold & Porter
555 Twelfth Street, N.W.
Washington, DC 20004-1206
(202) 942-6380

Bruce S. Oliver
Then – Williams & Connolly
Now - Associate General Counsel
Federal Home Loan Mortgage Corp.
8200 Jones Branch Drive
McLean, VA 22102
(703) 903-2600

Opposing Counsel: Herve Gouraige
Then – Latham & Watkins
Now – Epstein Becker & Green
Two Gateway Center
12th Floor
Newark, NJ 07102-5003
(973) 639-8536

(j) United States v. Jarrett Woods, We represented the former head of the Western Savings Association, a failed savings and loan, in both a grand jury investigation and a number of civil suits brought against him. The Federal Home Loan Bank Board had declared the S&L insolvent and placed it in receivership after discovering various suspect real estate loans. In addition to trying to keep the civil suits at bay, we tracked the grand jury investigation of Woods closely for more than a year – interviewing each of the many people brought before the grand jury – before Woods became unable to afford the representation. Woods was subsequently indicted and convicted of numerous counts of bank fraud.

Co-Counsel: Paul Martin Wolff
Williams & Connolly
725 12th Street, N.W.
Washington, DC 20005
(202) 434-5079

Jeffrey Kindler
Then – Williams & Connolly
Now – Pfizer Global Pharmaceuticals
235 East 42nd Street
New York, NY 10017-5755
(212) 733-4935

Heidi K. Hubbard
Williams & Connolly
725 12th Street, N.W.
Washington, DC 20005
(202) 434-5451

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

For almost six years, I have headed the largest and most significant law school in the nation. This job has a very significant managerial component: Harvard Law School has a \$180 million operating budget, over 500 employees, and almost 1 million square feet of physical space. The job also has a very significant academic component: as dean, I led efforts to expand and enhance the faculty and to reform and modernize the curriculum. Finally, the job includes significant outreach to and interaction with key parts of the profession, including judges, government officials, private attorneys, and public interest lawyers.

Significant parts of my career have been devoted to scholarship and teaching. Between 1999 and 2003, I principally focused on administrative and associated constitutional law questions. My major work during this period concerned the relationship between the President and the administrative agencies. Between 1991 and 1995, I wrote primarily about issues of free expression. My major work at this time proposed a theory of the First Amendment focused on the nature of governmental motives underlying speech restrictions.

My work in the White House, both in the Counsel's Office and the Domestic Policy Council, centered on the development and implementation of law and policy in areas ranging from education to crime to welfare to public health. Among other matters, I led the Clinton Administration's inter-agency effort to analyze all legal and regulatory aspects of the Attorney General's tobacco settlement and then participated actively in the development and legislative consideration of tobacco legislation. I also worked extensively on legislative or executive action involving constitutional issues, including the separation of powers, governmental privileges, freedom of expression, and church-state relations.

I have never performed lobbying activities for any client or organization.

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

Administrative Law – numerous times at Harvard; most recent syllabus attached.

Constitutional Law – numerous times at Harvard and University of Chicago; most recent syllabus attached

Civil Procedure – numerous times at Harvard and University of Chicago; most recent syllabus attached

Labor Law – three times at University of Chicago; most recent syllabus attached

Presidential Lawmaking (seminar) – once at Harvard; syllabus attached

The President and the Law (seminar) – once at Harvard; syllabus attached

Law of Political Process (seminar) – once at University of Chicago; no syllabus found; dealt with issues of election law such as districting and campaign finance.

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

If I am confirmed, I expect to take a two-year leave of absence from, but remain on the faculty of, Harvard Law School. As an employee benefit, I receive from Harvard an applicable federal rate second mortgage and a cash subsidy for the interest payments on the loan. During the period I remain on approved unpaid leave from Harvard, I will continue to hold the mortgage, but will not receive the interest payment subsidy. I will also retain my interest in Harvard University's Retirement Plans, with no further contributions made by me or Harvard during my unpaid leave.

20. **Outside Commitments During Service**: Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service in the position to which you have been nominated? If so, explain.

None other than that described in question 19.

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

See financial disclosure report.

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

23. **Potential Conflicts of Interest**:

- a. Identify any affiliations, pending litigation, financial arrangements, or other factors that are likely to present potential conflicts-of-interest during your initial service in the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.
- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

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

24. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

As noted in my answer to question 7, I serve on the boards of numerous non-profit organizations, including several devoted to ensuring the availability of legal services for the disadvantaged. As dean of Harvard Law School, I do not engage in any individual representation of clients, but I have promoted public service and pro bono work among our students in a variety of ways. Last year, the School instituted an unprecedented program to make the third year of law school tuition-free for any student who commits to doing five years of public service work after graduation. At the same time, the School has enhanced its loan forgiveness program and its summer public interest funding program to increase the number of our students engaged in public interest work, especially on behalf of disadvantaged persons, during law school and after graduation.

FINANCIAL STATEMENT

NET WORTH

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

ASSETS		LIABILITIES	
Cash on hand and in banks	\$135,045	Notes payable to banks-secured	
U.S. Government securities-add schedule		Notes payable to banks-unsecured	
Listed securities-add schedule	\$162,652 (Schedule A)	Notes payable to relatives	
Unlisted securities--add schedule		Notes payable to others	
Accounts and notes receivable:		Accounts and bills due	
Due from relatives and friends		Unpaid income tax	
Due from others		Other unpaid income and interest	
Doubtful		Real estate mortgages payable-add schedule	\$1,215,000 (Schedule C)
Real estate owned-add schedule	\$1,400,000 (Schedule B)	Chattel mortgages and other liens payable	
Real estate mortgages receivable		Other debts-itemize:	
Autos and other personal property	\$25,000		
Cash value-life insurance			
Other assets itemize:			
Retirement Savings Plans	\$504,021		
		Total liabilities	\$1,215,000
		Net Worth	\$1,011,718
Total Assets	\$2,226,718	Total liabilities and net worth	\$2,226,718
CONTINGENT LIABILITIES		GENERAL INFORMATION	
As endorser, comaker or guarantor		Are any assets pledged? (Add schedule)	No
On leases or contracts		Are you defendant in any suits or legal actions?	No
Legal Claims		Have you ever taken bankruptcy?	No
Provision for Federal Income Tax			

Other special debt			
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Schedule A: Securities are money market fund held at Vanguard (\$39,812) and mutual funds held at Vanguard (\$88,435) and Franklin Templeton Investments (\$34,404).

Schedule B: Real estate owned is residence; value is original purchase price (2004).

Schedule C: First mortgage of \$715,000 held by Countrywide; second mortgage of \$500,000 held by Harvard University.

AFFIDAVIT

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

Jan 15, 2009
(DATE)

Elena Kagan
(NAME)

Virginia L Fort
(NOTARY)
VIRGINIA L. FORT
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires November 14, 2010