

## Following Consumer Financial Protection Bureau (CFPB) Rulemaking To Curb Excessive Credit Card Late Fees, The U.S. Chamber Likely To File Suit In The Industry Beholden Fifth Circuit

**Summary:** On March 5, 2024, the Consumer Financial Protection Bureau (CFPB) is set to announce rulemaking aimed at cracking down on excessive credit card late fees. The agency [tasked](#) with protecting consumers from predatory practices in the financial services sector, [announced](#) rulemaking in February 2023 estimated to save consumers "**as much as \$9 billion per year**" in excessive credit card late fees.

Ahead of the agency's March 2024 rule, U.S. Chamber of Commerce executive vice president and chief counsel Darryl Joseffer [boasted](#) that "bringing lawsuits is one of the most important tools we have to fight the enormous regulatory burdens." The Chamber also [identified](#) the CFPB's credit card late fees rule as a "top regulatory target." Immediately following the CFPB's updated rulemaking, the U.S. Chamber of Commerce will almost certainly bring a lawsuit challenging the agency, filing in a district court which will ultimately end up in its favorite domain, the [U.S. Fifth Circuit Court of Appeals](#).

In 2022, the eight largest credit issuers, including JPMorgan Chase, American Express, Citi, Capital One, Bank of America, Discover, U.S. Bank, and Wells Fargo, collectively [accounted](#) for over **\$4 trillion in purchase volume that year**. Several of the largest issuers are also members of the U.S. Chamber of Commerce, the American Bankers Association (ABA), and Consumer Bankers Association (CBA), with many represented on the [ABA](#) and [CBA](#) boards of directors. Leaders of these trade associations have frequently attacked the CFPB and its rulemaking, calling the credit card late fee rule "[the latest example of the bureau seeking to advance a political agenda](#)," claiming it would "[harm consumers by reducing competition and access to credit](#)."

A review of the Chamber's lobbying since February 2023 shows the group has [spent \\$67.7 million in lobbying expenditures](#) while [lobbying](#) against the CFPB's proposed rulemaking on credit card late fees.

**The Chamber also heavily funds the Federalist Society—which has paid thousands of dollars in travel expenses for Fifth Circuit judges—donating between \$800,000 to nearly \$1.2 million since 2008. Additionally, several attorneys at the U.S. Chamber Litigation Center are contributors to the Federalist Society, including chief of staff and associate chief counsel [Stephanie Maloney](#), associate chief counsel [Jonathan Urick](#), and senior counsel [Tyler Badgley](#).**

The U.S. Chamber has also frequently partnered with the law firm Wiley Rein LLP, self-described as DC's "[secret firm](#)." The firm has most recently [supported](#) the U.S. Chamber's efforts to block proposed rulemaking by the Securities and Exchange Commission (SEC) that would have enhanced transparency by increasing the reporting requirements for companies' stock buyback practices. A review of the firm shows several partners were also law clerks for numerous Fifth Circuit judges.

**Meanwhile, Accountable.US has taken a comprehensive look at the U.S. Fifth Circuit Court's ties to the U.S. Chamber. It comes as no surprise that several of the Chamber's own personnel, and firms the group works with to protect corporations have served as law clerks for several current judges on the court. In addition, several judges have extensive financial ties and have even worked hand-in-hand with the Chamber. Among these judges identified include:**

- **Judge James C. Ho**—[nominated](#) by President Trump in October 2017—is heavily connected to the U.S. Chamber, along with his wife Allyson. While in private practice, he and his wife have filed amicus

briefs on behalf of numerous Chamber board members including [Ford Motor Company](#) and [Shell Oil](#). In June 2016, James Ho worked with the U.S. Chamber of Commerce on a complaint [submitted](#) to the Department of Labor (DOL) in opposition to its "fiduciary rule for brokers and registered investment advisers serving Americans with individual accounts (IRAs) and 401(k) plans. In March 2018, the Fifth Circuit [ultimately sided](#) with the U.S. Chamber, nullifying the DOL's rulemaking. Ho is a frequent contributor at the conservative-aligned Federalist Society, having received travel expense reimbursements for at least 20 Federalist Society events during 2022. His 2022 annual disclosure also reveals his wife received \$3,000 in "honoraria" income from the Federalist Society, speaking at three events.

- **Judge Don R. Willett**—[nominated](#) by President Trump in October 2017—is a member and frequent contributor to the conservative-aligned Federalist Society, sitting on the board of advisors for the Austin Lawyers Chapter of the Federalist Society for Law and Public Studies and later receiving travel and meal reimbursements by the organization for three 2022 trips totaling eight days. In May 2016, then-Texas Supreme Court Justice Don Willett was [included](#) on Trump's shortlist of potential Supreme Court nominees, which Federalist Society co-chair Leonard Leo ["personally curated."](#) In September 2017, Leonard Leo praised Trump's nomination of Willett to the Fifth Circuit, specifically stating Willett had ["a record of excellence."](#) In addition to these connections to the Federalist Society, according to state campaign data, while a candidate for the Texas State Supreme Court, Judge Willett took at least [\\$32,500](#) from companies represented on the [U.S. Chamber Board of Directors](#), including Chevron, ConocoPhillips, Ford Motors, and Pfizer.
- **Judge E. Grady Jolly**—[nominated](#) by President Reagan in July 1982—has two former clerks who are now partners for Wiley Rein. John E. Howell [worked](#) as a law clerk under Jolly from 2007 to 2008, who went into ["semi-retirement"](#) in [2017](#) but still serves as a senior judge. Wiley Rein LLP [partner](#) Megan L. Brown—who [co-authored](#) Wiley Rein's amicus brief in support of the Chamber—also served as a law clerk under Jolly.
- In 2022, **Judge Jacques L. Wiener Jr.**—[nominated](#) by President George H.W. Bush in November 1989—reported owning between \$100,001 and \$250,000 in stock of Chevron Corp., represented on the U.S. Chamber Board of Directors, between \$50,001 and \$100,000 in Commerce Bancshares stock, selling part in December 2022, and between \$50,001 and \$100,000 in Ally Financial stock. Gregory M. Williams, [a partner at law firm Wiley Rein](#), served as a law clerk for Wiener from 1998 to 1999, who went into ["semi-retirement"](#) in [2010](#) but still serves as a senior judge.
- **Judge Edith H. Jones**—[nominated](#) by President Reagan in February 1985—has two former law clerks now working at the U.S. Chamber Litigation Center. U.S. Chamber Litigation Center Deputy Chief Counsel Andy Varcoe [served](#) as a law clerk for Jones from [2001 to 2002](#). U.S. Chamber Litigation Senior Counsel Tyler Badgley, who ["handles a variety of litigation matters for the Chamber"](#) on constitutional law, served as a law clerk for Jones from [2016 to 2017](#).
- A review of **Judge Jerry E. Smith**—who was [nominated](#) by President Reagan in June 1987—shows his office employed at least two former law clerks who work for the U.S. Chamber Litigation Center. Most notably, [executive vice president and chief counsel](#) Daryl Joseffer, who slammed the CFPB for allegedly ["pushing an activist agenda,"](#) urging it to rescind changes to its supervision of unfair, deceptive, or abusive acts or practices (UDAAP), [served](#) as a clerk from 1995 to 1996. Chamber Litigation Center [senior counsel](#) Jordan Von Bokern also served as a law clerk for judge Smith and even then-Seventh Circuit judge Amy Coney Barrett. Wiley Rein [partner](#) Thomas M. Johnson Jr., who [supported](#) the U.S. Chamber in filing an amicus brief against the SEC's stock buyback rule, also clerked for Judge Smith from 2005 to 2006. Meanwhile, Judge Smith appeared at a November 2021 Federalist Society event with transportation, lodging and meals provided for.

- In 2022, **Judge Jennifer W. Elrod**—[nominated](#) by President George W. Bush in March 2007—reported having travel, lodging and food paid or provided for by the Federalist Society for two events, including speaking at its national convention in Washington, DC.
- A review of **Judge Edith Brown Clement's office**—who was [nominated](#) by President George H.W. Bush in October 1991—shows the current U.S. Chamber Litigation Center [chief of staff and associate counsel](#) Stephanie Maloney [served](#) as a law clerk for Clement from August 2015 to August 2016. Judge Clement currently holds senior status, which is a "[form of semi-retirement for judges over the age of 65](#)."
- In 2022, **Judge Stuart K. Duncan**—[nominated](#) by President Trump in January 2018—reported having travel, lodging and food expenses covered by the Federalist Society for two events, including for its national convention in Washington, DC.
- **Judge Kurt D. Engelhardt**—[nominated](#) by President Trump in January 2018—appeared at the University of Chicago's Federalist Society in 2022 where travel, food and lodging expenses were provided for.
- **Judge Andrew S. Oldham**—[nominated](#) by President Trump in February 2018—attended at least nine events hosted by the Federalist Society during 2022, appearing as a speaker and moderator numerous times with travel, lodging and food provided for.

## Table of Contents

Background.....	3
Federalist Society Connections To Fifth Circuit Judges.....	9
Judge James C. Ho.....	13
Judge Don R. Willett.....	19
Judge E. Grady Jolly.....	21
Judge Edith H. Jones.....	23
Judge Jerry E. Smith.....	25
Judge Jacques L. Wiener Jr.....	27
Judge Edith Brown Clement.....	29

## Background

**In February 2023, The Consumer Financial Protection Bureau (CFPB) Announced A New Proposed Rule Limiting Credit Card Late Fees To \$8, Eliminating Automatic Inflation Adjustments For Late Fees, And Restricting Any Late Fee Charge To 25% Of The Credit Card's Minimum Payment.**

## **In February 2023, The Consumer Financial Protection Bureau Proposed A New Rule Limiting Credit Card Late Fees After The Federal Reserve Created An Immunity Provision Allowing Late Fees Of As High As \$41 After The Passage Of The 2009 Credit Card Act Which Sought To Ban Excessive Late Fees.**

**February 1, 2023: The Consumer Financial Protection Bureau Proposed A New Rule “Curb[ing] Excessive Credit Card Late Fees That Cost American Families About \$12 Billion Each Year” Which The Bureau Estimated Would Save Consumers “As Much As \$9 Billion Per Year.”** “Today, the Consumer Financial Protection Bureau (CFPB) proposed a rule to curb excessive credit card late fees that cost American families about \$12 billion each year. Major credit card issuers continue to profit off late fees that are protected by an expansive immunity provision. Credit card companies have also relied on this provision to hike fees with inflation, even if they face no additional collection costs. The proposed rule would help ensure that over the top late fee amounts are illegal. Based on the CFPB’s estimates, the proposal could reduce late fees by as much as \$9 billion per year.” [Consumer Financial Protection Bureau, [02/01/23](#)]

### **Although Exorbitant Credit Card Fees Were Banned Under The 2009 Credit CARD Act, Federal Reserve Created An Immunity Provision Allowing Credit Card Companies To Charge Late Fees As High As \$41.**

“The Federal Reserve Board, by regulation, created the immunity provisions to allow credit card companies to avoid scrutiny of whether their late fees met the reasonable and proportional standard. Over time, those provisions have risen with inflation to \$30 for an initial late payment and \$41 for subsequent late payments. The CFPB estimates that the income generated by the largest issuers from late fees is approximately five times greater than the collection costs that the companies incur for late payment violations. In 2020, for example, credit card companies charged approximately \$12 billion in late fees, which represented more than 10% of all credit card interest and fees charged to consumers.” [Consumer Financial Protection Bureau, [02/01/23](#)]

- **According To CFPB Director Rohit Chopra, The 2009 Credit CARD Act Nominally Banned Exorbitant Credit Card Fees.** “Congress banned exorbitant credit card fees under the Credit CARD Act in 2009, but an immunity provision instituted by the Federal Reserve Board of Governors enabled card companies to dodge enforcement standards, said Rohit Chopra, director of the Consumer Financial Protection Bureau.” [CNBC, [02/01/23](#)]

### **The CFPB’s Proposed Rule Would Limit Credit Card Late Fees To \$8, Eliminate Automatic Inflation Adjustments For Late Fees, And Restrict Any Late Fee Charge To 25% Of The Credit Card’s Minimum Payment.**

**The CFPB’s Proposed Rule Would Lower The Immunity Provision’s Fee Limit From \$41 To \$8.** “Lower the immunity provision dollar amount for late fees to \$8: The CFPB has preliminarily found that late fee income exceeds associated collection costs by a factor of five. Because the immunity provision currently allows issuers to charge late fees of up to \$41, the CFPB believes that a late fee of \$8 would be sufficient for most issuers to cover collection costs incurred as a result of late payments. The \$8 immunity provision would apply to any missed payment. Companies would be able to charge above the immunity provision so long as they could prove the higher fee is necessary to cover their incurred collection costs.” [Consumer Financial Protection Bureau, [02/01/23](#)]

**The CFPB’s Proposed Rule Would Also “Eliminate The Automatic Annual Inflation Adjustment For The Immunity Provision Amount.”** “End the automatic annual inflation adjustment: The CFPB’s proposal would eliminate the automatic annual inflation adjustment for the immunity provision amount. This adjustment is not required by law, nor is it necessarily reflective of how collection costs change over time. The CFPB would instead monitor market conditions and the immunity provision amount for potential adjustments as necessary.” [Consumer Financial Protection Bureau, [02/01/23](#)]

**Lastly, The CFPB's Proposed Rule Would "Restrict Any Late Fee Charge To 25% Of The Minimum Payment To Be More Consistent With Congress's Intent To Authorize Only Reasonable And Proportional Late Fee Amounts."** "Cap late fees at 25% of the required minimum payment: The current rule allows a card issuer to potentially charge a late fee that is 100% of the minimum payment owed by the cardholder. The CFPB proposes to restrict any late fee charge to 25% of the minimum payment to be more consistent with Congress's intent to authorize only reasonable and proportional late fee amounts." [Consumer Financial Protection Bureau, [02/01/23](#)]

**The Consumer Financial Protection Bureau (CFPB) Released Data In October 2023 That Found Credit Card Debt Had Surpassed \$1 Trillion For The First Time Since The CFPB Had Begun Collecting This Data, With Cardholders Being Charged Over \$25 Billion In Fees And Over \$105 Billion In Interest.**

**In October 2023, The Consumer Financial Protection Bureau (CFPB) Reported That Credit Card Companies Charged Consumers \$105 Billion In Interest And Over \$25 Billion In Fees, As Credit Card Debt Surpassed \$1 Trillion For The First Time.**

**October 2023: The Consumer Financial Protection Bureau (CFPB) Released A Report That Found Credit Card Companies In 2022 Charged Consumers A Staggering \$105 Billion In Interest And More Than \$25 Billion In Fees.** "The Consumer Financial Protection Bureau (CFPB) today released its biennial report to Congress on the consumer credit card market. The report found that in 2022 credit card companies charged consumers more than \$105 billion in interest and more than \$25 billion in fees. Total outstanding credit card debt eclipsed \$1 trillion for the first time since the CFPB began collecting this data." [Consumer Financial Protection Bureau, [10/25/23](#)]

**The CFPB Also Found Credit Card Debt At The End Of 2022 Had Surpassed \$1 Trillion For The First Time, With Data "Show[ing] More Cardholders Are Being Charged Late Fees, Falling Behind On Payments, And Facing Higher Costs On Growing Debt."** "The CFPB's data showed credit card debt at the end of 2022 surpassed \$1 trillion for the first time, and annual spending on credit cards increased to \$3.2 trillion. The report also found that total average credit card balances per cardholder returned to about \$5,300, about the same as before the pandemic. All in all, the data show more cardholders are being charged late fees, falling behind on payments, and facing higher costs on growing debt." [Consumer Financial Protection Bureau, [10/25/23](#)]

- **HEADLINE: CFPB Report Finds Credit Card Companies Charged Consumers Record-High \$130 Billion in Interest and Fees in 2022.** [Consumer Financial Protection Bureau, [10/25/23](#)]



**In January 2024, Executive Vice President And Chief Counsel For The U.S. Chamber Litigation Center Daryl Joseffer Alluded To A Potential Lawsuit Against The Rule, Stating That, "Bringing Lawsuits Is One Of The Most Important Tools We Have To Fight" The CFPB, While The Eight Largest Credit Issuers—including Several Members of The U.S. Chamber And Major Banking Trade Groups—Collectively Accounted For Over \$4 Trillion In Purchase Volume in 2022.**

**In January 2024, The Executive Vice President And Chief Counsel At The U.S. Chamber Litigation Center Wrote A Blog Post Noting That “Bringing Lawsuits Is One Of The Most Important Tools We Have To Fight The Enormous Regulatory Burdens Businesses Are Facing Today,” With The CFPB’s Credit Card Late Fees Rule Being A “Top Regulatory Target.”**

January 2024: Daryl Joseffer, Executive Vice President And Chief Counsel Of The U.S. Chamber’s Litigation Center, Authored A Look Into The Chamber’s Most Important Regulatory Priorities Of 2024 That Noted: “Bringing Lawsuits Is One Of The Most Important Tools We Have To Fight The Enormous Regulatory Burdens Businesses Are Facing Today.” “Looking ahead, we expect to make a real dent in the Administration’s regulatory agenda. Bringing lawsuits is one of the most important tools we have to fight the enormous regulatory burdens businesses are facing today. The Chamber and its Litigation Center are committed to challenging a score of rules that pose a significant threat to America’s economic growth and competitiveness.” [U.S. Chamber of Commerce, [01/16/24](#)]

**The U.S. Chamber Specifically Noted The CFPB’s Credit Card Late Fees Rule As A “Top Regulatory Target”:**

## **CFPB**

- Credit Card Late Fees Rule

[U.S. Chamber of Commerce, [01/16/24](#)]

**In 2022, The Eight Largest Credit Issuers, Including JPMorgan Chase, American Express, Citi, Capital One, Bank Of America, Discover, U.S. Bank, And Wells Fargo, Collectively Accounted For Over \$4 Trillion In Purchase Volume That Year.**

According To The Nilson Report, The Eight Largest Credit Card Issuers In 2022 Were JPMorgan Chase, American Express, Citi, Capital One, Bank Of America, Discover, U.S. Bank, And Wells Fargo, Collectively Accounting For Over \$4 Trillion In Purchase Volume That Year. “According to The Nilson Report, these were the biggest U.S. credit card companies in 2022 – the most up-to-date data available – by purchase volume. These cards together rang up more than \$4 trillion in transactions that year.” [U.S. News, [05/02/23](#)]

**Credit Card Issuer**

**2022 Purchase Volume**

JPMorgan Chase	\$1.14 trillion
American Express	\$1.03 trillion
Citi	\$563.4 billion
Capital One	\$534.5 billion
Bank of America	\$480.6 billion
Discover	\$210.7 billion
U.S. Bank	\$190.8 billion
Wells Fargo	\$171.6 billion

[U.S. News, [05/02/23](#)]

- **The Nilson Report Considers Itself The "Most Respected Source Of News And Analysis Of The Global Card And Mobile Payment Industry."** "The Nilson Report, in its 53rd year of publication, is the most respected source of news and analysis of the global card and mobile payment industry." [Nilson Report, accessed [02/27/24](#)]

### **Several Of The Largest Credit Issuers Are Members Of The U.S. Chamber Of Commerce, As Well As The American Bankers Association And The Consumer Bankers Association....**

**As Of 2022, JPMorgan Chase Is A Member Of The U.S. Chamber Of Commerce, The American Bankers Association, And The Consumer Bankers Association.** [JPMorgan Chase 2022 Political Engagement Report, accessed [01/22/24](#)]

**As of June 2023, American Express Is A Member Of The U.S. Chamber Of Commerce, The American Bankers Association, And The Consumer Bankers Association, Paying Over \$50,000 In Dues To Each Organization.** [American Express, accessed [01/22/24](#)]

**As Of 2022, Citi Is A Member Of The U.S. Chamber Of Commerce, The American Bankers Association, And The Consumer Bankers Association, Paying Over \$50,000 In Dues To Each Organization.** [Citigroup 2022 Political Engagement Report, accessed [01/22/24](#)]

**As of June 2023, Capital One Is A Member Of The American Bankers Association And The Consumer Bankers Association.** [Capital One, accessed [01/22/24](#)]

**As of January 2024, Bank of America Is A Member Of The U.S. Chamber Of Commerce, The American Bankers Association, And The Consumer Bankers Association, Paying Over \$25,000 In Dues To Each Organization.** [Bank of America, accessed [01/22/24](#)]

**As of January 2024, Discover Is A Member Of The American Bankers Association And The Consumer Bankers Association.** [Discover, accessed [01/22/24](#)]

**As of January 2024, Wells Fargo Is A Member Of The U.S. Chamber Of Commerce, The American Bankers Association, And The Consumer Bankers Association.** [Wells Fargo, accessed [01/22/24](#)]

**...With Many Credit Issuers Even Represented On The Boards Of The American Bankers Association And The Consumer Bankers Association, Which Came Out Against The Rule As “Harm[ing] Consumers By Reducing Competition And Access To Credit” And “The Latest Example Of The Bureau Seeking To Advance A Political Agenda That Will Harm, Rather Than Help, The Very People They Are Responsible For Serving.”**

Credit Issuer	ABA Board Members	CBA Board Members
JPMorgan Chase	<a href="#">Jennifer Piepszak, Co-CEO, Consumer &amp; Community Banking</a>	<a href="#">Becky Griffin, Chief Administrative Officer, Consumer Banking</a>
Citi	—	<a href="#">Craig Vallorano, Head of Retail Banking</a>
Capital One	—	<a href="#">Celia Karam, President of Retail Banking</a>
Bank of America	—	<a href="#">Christine Channels, Head of Community Banking and Consumer Governance</a>
U.S. Bank	—	<a href="#">Arijit Roy, Executive Vice President of Consumer Segment and Solutions</a>
Wells Fargo	—	<a href="#">Shaun McDougall, Head Of National Advice And Acquisition Consumer And Small Business Banking</a>

**February 1, 2023: The American Bankers Association Came Out Against The CFPB Proposed Rule, With Its President And CEO, Rob Nichols, Saying The Rule Would “Harm Consumers By Reducing Competition And Access To Credit.”** “Against strong objections from the American Bankers Association, the Consumer Financial Protection Bureau and the White House today proposed to eliminate a longstanding safe harbor that banks of all sizes rely upon when setting late fees on credit card payments. Citing “excessive credit card late fees,” the CFPB proposed slashing the safe harbor dollar amount for late fees from \$30 to \$8 and eliminating a higher safe harbor dollar amount for late fees for subsequent violations of the same type; eliminating the annual inflation adjustment for the safe harbor amount that was provided by the Federal Reserve Board in 2010; and capping late fee amounts at 25% of the required payment. [...] ABA President and CEO Rob Nichols blasted the agency’s decision, saying it would harm consumers by reducing competition and access to credit. ‘If the proposal is enacted, credit card issuers will be forced to adjust to the new risks by reducing credit lines, tightening standards for new accounts and raising APRs for all consumers, including the millions who pay on time,’ he said.” [ABA Banking Journal, [02/01/23](#)]

**February 1, 2023: Independent Community Bankers Of America (ICBA) President And CEO Rebeca Romero Rainey Issued A Statement Voicing Opposition To The CFPB’s Proposed Rule, Stating The Association “Caution[s] Against Adversely Affecting Small Issuers, Needlessly Restricting Access To Credit In Local Communities, And Misrepresenting How Community Banks Meet The Credit Card Needs Of Their Customers.”** “Independent Community Bankers of America (ICBA) President and CEO Rebeca Romero Rainey issued the following statement on today’s Consumer Financial Protection Bureau proposed rule on credit card fees for late payments. ‘While ICBA and the nation’s community banks review today’s Consumer Financial Protection Bureau proposed rule on credit card late fees, we caution against adversely affecting small issuers, needlessly restricting access to credit in local communities, and misrepresenting how community banks meet the credit card needs of their customers.’” [ICBA, [02/01/23](#)]

- **Romero Rainey Went On To Defend Credit Card Late Fees As “Deter[ring] Late Payments And Help[ing] Offset The Significant Costs To Issuers.”** “As relationship bankers, community banks offer credit cards as a service to their customers under contracts voluntarily entered into by these consumers. Credit card late fees — which are clearly disclosed and represent a small portion of the cost of credit cards to customers — deter late payments and help offset the significant costs to issuers.



Considering these costs, current practices are appropriate and do not constitute 'junk fees,' despite the CFPB's misrepresentation of the community bank business model." [ICBA, [02/01/23](#)]

**February 1, 2023: Consumer Bankers Association (CBA) President and CEO Lindsey Johnson Slammed The CFPB's Proposed Rule As "The Latest Example Of The Bureau Seeking To Advance A Political Agenda That Will Harm, Rather Than Help, The Very People They Are Responsible For Serving," Adding That "It Is Deeply Unfortunate And Puzzling That Policymakers Would Take Action That Could Ultimately Limit Consumers' Access To [Credit Cards] At A Time When They Are Needed Most."** "Consumer Bankers Association (CBA) President and CEO Lindsey Johnson today released the following statement after the Consumer Financial Protection Bureau (CFPB) announced a Notice of Proposed Rulemaking (NPRM) that would limit the safe harbor amount credit card issuers can charge consumers for overdue payments: 'This announcement is just the latest example of the Bureau seeking to advance a political agenda that will harm, rather than help, the very people they are responsible for serving. Millions of Americans rely on credit cards to make everyday purchases and cover emergency expenses. It is deeply unfortunate and puzzling that policymakers would take action that could ultimately limit consumers' access to these valued financial products at a time when they are needed most.'" [Consumer Bankers Association, [02/01/23](#)]

**Since The CFPB Announced Its Proposed Rulemaking In February 2023, The U.S. Chamber Of Commerce Has Spent \$67.7 Million While Lobbying Against Issues Including The CFPB Credit Card Late Fee Rule.**

**Since The CFPB's Introduction Of The Proposed Rule In February 2023, The U.S. Chamber Has Spent \$67.7 Million While Lobbying Against The CFPB's Credit Card Late Fee Rule.**

Registrant	Lobbying Period	Relevant Issues Lobbied	Amount
U.S. Chamber of Commerce	<a href="#">Q1 2023</a>	"Proposed Rule, Consumer Financial Protection Bureau, Credit Card Penalty Fees (Regulation Z) (88 Fed. Reg. 18906, March 29, 2023)"	\$18,660,000
U.S. Chamber of Commerce	<a href="#">Q2 2023</a>	"Proposed Rule, Consumer Financial Protection Bureau; Credit Card Penalty Fees (Regulation Z) (88 Fed. Reg. 18,906-18,951, March 29, 2023)"	\$16,390,000
U.S. Chamber of Commerce	<a href="#">Q3 2023</a>	"Proposed Rule, Consumer Financial Protection Bureau; Credit Card Penalty Fees (Regulation Z) (88 Fed. Reg. 18,906-18,951, March 29, 2023)"	\$13,590,000
U.S. Chamber of Commerce	<a href="#">Q4 2023</a>	"Proposed Rule, Consumer Financial Protection Bureau; Credit Card Penalty Fees (Regulation Z) (88 Fed. Reg. 18,906-18,951, March 29, 2023)"	\$19,080,000
			<b>TOTAL: \$67,720,000</b>

## **Federalist Society Connections To Fifth Circuit Judges**

**A Review Of The Federalist Society's Funding Shows The U.S. Chamber Of Commerce Has Contributed Between \$800,000 To Nearly \$1.2 Million Since 2008 And Has Paid For Several Trips Taken By Fifth Circuit Judges.**

**Since 2008, The U.S. Chamber Of Commerce Has Donated Between \$800,000 To Over \$1.1 Million To The Federalist Society.**

Since 2008, The U.S. Chamber Has Donated Between \$800,000 To Nearly \$1.2 Million To The Federalist Society:

Recipient	Year	Amount
The Federalist Society	<a href="#">2021</a>	\$50,000-\$99,999
The Federalist Society	<a href="#">2019</a>	\$50,000-\$99,999
The Federalist Society	<a href="#">2018</a>	\$50,000-\$99,999
The Federalist Society	<a href="#">2016</a>	\$50,000-\$99,999
The Federalist Society	<a href="#">2015</a>	\$100,000+
The Federalist Society	<a href="#">2014</a>	\$100,000+
The Federalist Society	<a href="#">2013</a>	\$100,000+
The Federalist Society	<a href="#">2012</a>	\$100,000+
The Federalist Society	<a href="#">2011</a>	\$50,000-\$99,999
The Federalist Society	<a href="#">2010</a>	\$50,000-\$99,999
The Federalist Society	<a href="#">2009</a>	\$50,000-\$99,999
The Federalist Society	<a href="#">2008</a>	\$50,000-\$99,999
TOTAL:		\$800,000-\$1,199,992

**Fifth Circuit Judge Don R. Willett Is A Member And Frequent Contributor To The Federalist Society Where He Sits On The Board Of Advisors For The Federalist Society For Law And Public Studies (Austin Lawyers Chapter) And Received Travel And Meal Reimbursements By The Organization For Three Trips Totaling Eight Days.**

**According To His 2022 Annual Financial Disclosure, Judge Don R. Willett—A Federalist Society Member And Contributor—Is A Member Of The Federalist Society’s Austin Chapter Board Of Advisors And Took Three Federalist Society Trips Totaling 8 Days That Year.**

Don R. Willett, A Judge In The U.S Court Of Appeals For The Fifth Circuit, Has Disclosed Federalist Society Membership And Is A Contributor For The Group:

Judge	Court	Federalist Society Contributor	Federalist Society Member
<a href="#">Willett, Don R.</a>	Judge, U.S. Court of Appeals for the Fifth Circuit	<a href="#">Yes</a>	<a href="#">Yes</a>

**According To His 2022 Annual Financial Disclosure Report, Judge Willett Sits On The Board Of Advisors For The Federalist Society For Law And Public Studies (Austin Lawyers Chapter):**

**2022: Fifth Circuit Judge Don R. Willett Disclosed Travel Reimbursements For Three Federalist Society Events, Totaling Eight Days:**

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

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

☐ NONE (No reportable reimbursements.)

	<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1.	Federalist Society for Law and Public Policy Studies	Jan. 7–9, 2022	Raleigh and Durham, NC	Speaker	Transportation and meals
2.	George Mason University, Antonin Scalia Law School	May 12, 2022	Arlington, VA	Fourth Annual Scalia Forum	Transportation and meals
3.	Georgetown Center for the Constitution	June 9–12, 2022	Sarasota, FL	Originalism for Judges Seminar	Transportation and meals
4.	Federalist Society for Law and Public Policy Studies	Sept. 22–23, 2022	San Diego, CA	Speaker	Transportation and meals
[...]					
5.	Georgetown Center for the Constitution & Federalist Society for Law and Public Policy	Oct. 13–15, 2022	Washington, D.C.	Speaker	Transportation and meals

[Don R. Willett AO 10 Financial Disclosure, 2022, United States Courts, [05/15/23](#)]

**A 2022 Financial Disclosure Report Shows The University Of Chicago Federalist Society Paid Travel, Lodging And Food Expenses For Fifth Circuit Judge Kurt D. Engelhardt In April 2022.**

**A 2022 Financial Disclosure Report Shows Judge Kurt D. Engelhardt Appeared At A Federalist Society Event In April 2022 With Travel, Lodging And Food Paid Or Provided For.**

**According To A 2022 Financial Disclosure Report, Judge Kurt D. Engelhardt Appeared At A Federalist Society Event Hosted At The University Of Chicago With Travel, Lodging And Food Paid Or Provided For:**

The Federalist Society	4/11/2022-4/12/2022	Chicago, IL	Speaker at University of Chicago Federalist Society Function	Transportation, Lodging, Food
------------------------	---------------------	-------------	--	-------------------------------

[Search of Federal Financial Disclosure Reports database, accessed [02/07/24](#)]

**During 2022, Judge Andrew S. Oldham Attended At Least Nine Events Hosted By The Federalist Society Appearing As A Speaker And Moderator Numerous Times With Travel, Lodging And Food Paid Or Provided For.**

**According To A 2022 Financial Disclosure Report, Judge Andrew S. Oldham Was A Frequent Speaker At Federalist Society Events, Serving As A Speaker Or Moderator At Nine Events In 2022 With Travel, Lodging And Food Paid Or Provided For.**

According To A 2022 Financial Disclosure, Judge Oldham Appeared At Nine Federalist Society Events With Travel, Lodging And Food Paid Or Provided For:

Federalist Society Chapter	Date(s)	Location	Purpose	Items Paid
Federalist Society	02/07/22-02/10/22	Cape Coral, FL	Judicial Education Seminar	Transportation, meals, lodging
Federalist Society	02/15/22-02/17/22	New Haven, CT	Speaker	Transportation, meals, lodging
Federalist Society	03/03/22-03/06/22	Charlottesville, VA	National Student Symposium UVA	Transportation, meals, lodging
Federalist Society	03/09/22-03/10/22	Louisville, KY	Speaker	Transportation, meals, lodging
Federalist Society	08/10/22-08/11/22	Park City, UT	Panel Speaker	Transportation, meals, lodging
Federalist Society	09/22/22-09/24/22	Lubbock, TX	Speaker	Transportation, meals, lodging
Federalist Society	10/06/22-10/09/22	Birmingham, AL	Speaker	Transportation, meals, lodging
Federalist Society	10/18/22-10/19/22	Cambridge, MA	Moderator	Transportation, meals, lodging
Federalist Society	11/09/22-11/12/22	Washington, DC	Moderator	Transportation, meals, lodging
<b># Of Appearances:9</b>				

[Search of Federal Financial Disclosure Reports database, accessed [02/07/24](#)]

**Judge Cory T. Wilson Is A Frequent Speaker At Federalist Society Events, Appearing At Least Six Events During 2022.**

**According To A 2022 Financial Disclosure Report, Fifth Circuit Judge Cory T. Wilson Appeared At Least Six Events Hosted By The Federalist Society.**

According To A 2022 Financial Disclosure, Judge Cory T. Wilson Appeared At Least Six Federalist Society Events In 2022:

Federalist Society Chapter	Date(s)	Location	Purpose	Items Paid
Vanderbilt Law School Federalist Society	02/03/22	Nashville, TN	Meeting with student bar organization	Meals
Auburn University Federalist Society	02/24/22	Auburn, AL	Speaking Engagements	Travel Expenses, Meals
Montgomery Lawyers Chapter, Federalist Society	02/25/22	Montgomery, AL	Speaking Engagement	Travel Expenses, Meals
Notre Dame Law School Federalist Society	04/11/22-04/13/22	South Bend, IN	Speaking engagements with undergrad and law school pre law and bar organizations	Travel Expenses, Lodging, Meals
University of Texas Law School	10/18/22-10/19/22	Austin, TX	Meeting with student bar	Lodging and Meals

Federalist Society			organization	
Auburn University Federalist Society	11/10/22	Auburn, AL	Speaking engagements	Travel Expenses
<b># Of Appearances:6</b>				

[Search of Federal Financial Disclosure Reports database, accessed [02/07/24](#)]

**According To A 2022 Financial Disclosure Report, The Federalist Society Paid Travel, Lodging And Food Expenses For Two Trips For Judge Jennifer W. Elrod, Who Spoke At Its Washington, D.C. Convention.**

**According To A 2022 Financial Disclosure Report, Judge Jennifer W. Elrod Appeared At Two Federalist Society Events During 2022 With Travel, Lodging And Food Paid Or Provided For.**

**According To A 2022 Financial Disclosure Report, Judge Jennifer W. Elrod Appeared At Two Federalist Society Events In 2022 With Travel, Lodging And Food Paid Or Provided For:**

<b>Federalist Society Chapter</b>	<b>Date(s)</b>	<b>Location</b>	<b>Purpose</b>	<b>Items Paid</b>
The Federalist Society	02/07/22-02/11/22	Cape Coral, FL	Judicial Education Seminar	Travel, Lodging, and Meals
The Federalist Society	11/10/22-11/12/22	Washington, DC	Speaking at Convention	Travel, Lodging, and Meals
<b># Of Appearances:2</b>				

[Search of Federal Financial Disclosure Reports database, accessed [02/07/24](#)]

**In 2021, The Federalist Society Paid Travel, Lodging And Food Expenses For Fifth Circuit Judge Stuart Kyle Duncan, Including For Its National Convention In Washington, DC.**

**According To 2021 Financial Disclosures, Judge Stuart Kyle Duncan Appeared At Two Events Hosted By The Federalist Society In 2021 With Travel, Lodging And Food Paid Or Provided For.**

**According To A 2021 Financial Disclosure Report, Judge Stuart Kyle Duncan Appeared At Two Events Hosted By The Federalist Society With Travel, Lodging And Food Paid Or Provided For:**

<b>Federalist Society Chapter</b>	<b>Date(s)</b>	<b>Location</b>	<b>Purpose</b>	<b>Items Paid</b>
Federalist Society	09/14/21-09/17/21	Sound Bend, IN	Seminar	Travel, Lodging, and Meals
Federalist Society	11/11/21-11/13/21	Washington, DC	National Convention	Travel, Lodging, and Meals
<b># Of Appearances:2</b>				

[Search of Federal Financial Disclosure Reports database, accessed [02/07/24](#)]

**Judge James C. Ho**



**Fifth Circuit Judge James C. Ho Is Heavily Connected To The U.S. Chamber Of Commerce, As He And His Wife Allyson Worked On At Least 11 Cases With The Chamber's Litigation Center While In Private Practice And Has Received Travel Expenses At Least 20 Times For Speaking Engagements At Numerous Federalist Society Chapters.**

**James And His Wife Allyson Have Worked On At Least 11 Cases With The U.S. Chamber, Defending Board Members Ford And Shell From Illegal Conduct And Challenging The Department Of Labor Over Proposed Rulemaking On Fiduciaries.**

**Allyson N. Ho Is A Partner At Gibson, Dunn & Crutcher LLP.** [Gibson, Dunn & Crutcher LLP, accessed [02/15/24](#)]

- **Allyson Is James' Wife And Joined Gibson Dunn In 2018 As A "Replacement" For James Who Was Appointed To Serve On The Fifth Circuit.** "Her arrival in the Dallas office also serves as a replacement to her husband James Ho, himself a respected appellate lawyer who was confirmed as a judge on the Fifth Circuit in December 2017." [Leaders League, [06/05/18](#)]

**James Ho And His Wife Allyson Worked With The U.S. Chamber Of Commerce On At Least 11 Cases With The U.S. Chamber Litigation Center, Including Two Cases Defending Board Members Ford Motor And Shell Oil From Illegal Conduct And Challenging The Department Of Labor's Fiduciary Rule, Among Other Cases Defending Industry:**

Case Name	Company/Group Defended	Board Member?	Who Worked With Chamber
<a href="#">Gregory v. Chohan</a>	New Prime, Inc.	No	Allyson Ho
<a href="#">Luciano v. SprayFoamPolymers.com, LLC</a>	SprayFoamPolymers.com	No	Allyson Ho
<a href="#">Chamber of Commerce, Texas Association of Business, et al. v. Department of Labor (Fiduciary Rule)</a>	U.S. Chamber, Texas Association of Business	No	James Ho
<a href="#">In re Mahindra, USA Inc.</a>	Mahindra USA	No	Allyson Ho
<a href="#">National Federation of Independent Business v. Perez</a>	National Federation of Independent Business	No	Allyson Ho
<a href="#">Wal-Mart et al. v. Braun, Hummel, et al</a>	Wal-Mart	No	Allyson Ho
<a href="#">Baker DC v. NLRB</a>	Baker DC, LLC	No	Allyson Ho
<a href="#">Wal-Mart Stores, Inc. v. NLRB</a>	Wal-Mart	No	Allyson Ho
<a href="#">Chamber of Commerce, et al. v. National Labor Relations Board</a>	U.S. Chamber	No	Allyson Ho
<a href="#">In re Ford Motor Company</a>	Ford Motor Company	Yes	Allyson Ho
<a href="#">Shell Oil Co. v. Witt</a>	Shell Oil	Yes	James Ho

## **In June 2016, James Ho Worked With The U.S. Chamber Of Commerce On A Complaint Submitted To The Department Of Labor In Opposition To Its "Fiduciary Rule For Brokers And Registered Investment Advisers Serving Americans With Individual Accounts (IRAs) And 401(k) Plans."**

**June 2016: The U.S. Chamber Of Commerce Submitted A Complaint Alongside Other Trade Groups In Opposition To The "Department Of Labor's Fiduciary Rule For Brokers And Registered Investment Advisers Serving Americans With Individual Retirement Accounts (IRAs) And 401(k) Plans."** "The U.S. Chamber of Commerce, Texas Association of Business, Greater Irving-Las Colinas Chamber of Commerce, Lake Houston Area Chamber of Commerce, Lubbock Chamber of Commerce, Financial Services Institute, Financial Services Roundtable, Insured Retirement Institute, and Securities Industry and Financial Markets Association filed a legal challenge to the Department of Labor's fiduciary rule for brokers and registered investment advisers serving Americans with Individual Retirement Accounts (IRAs) and 401(k) plans." [U.S. Chamber of Commerce, [06/01/16](#)]

- **The Fiduciary Rule Was Posted By The Department Of Labor (DOL) In April 2016.** [Federal Register, [04/08/16](#)]

**James Ho—While A Partner At Gibson Dunn & Crutcher LLP—Worked On The Original Complaint Filed By The U.S. Chamber Litigation Center.** "The industry plaintiffs are represented by Eugene Scalia, Jason J. Mendro, Paul Blankenstein, Rachel E. Mondl, and James C. Ho of Gibson Dunn & Crutcher LLP." [U.S. Chamber of Commerce, [06/01/16](#)]

## **In March 2018, The U.S. Fifth Circuit Sided With The U.S. Chamber Of Commerce On Its 2016 Challenge To The DOL's Fiduciary Rule, After Ho And Future Labor Secretary Eugene Scalia Worked With The Chamber In Filing A Motion Of Appeal In The Fifth Circuit.**

**March 2018: The U.S. Fifth Circuit Ultimately Struck Down The Labor Department's 2016 Fiduciary Rule, Siding With The U.S. Chamber On The Grounds The Department "Exceeded Its Authority Under ERISA."** "The U.S. Chamber of Commerce, Financial Services Institute, Financial Services Roundtable, Insured Retirement Institute, and Securities Industry and Financial Markets Association released the following statement on a decision in favor of the plaintiffs by the Fifth Circuit regarding a legal challenge to the Department of Labor's fiduciary rule. [...] The majority of a Fifth Circuit panel agreed with the Chamber that the DOL vastly exceeded its authority under ERISA and invalidated both its sweeping and novel definition of fiduciary and also the DOL's related exemptive rules that were tied to the fiduciary rule." [U.S. Chamber of Commerce, accessed [02/21/24](#)]

- **ERISA Is The Employee Retirement Income Security Act Of 1974.** [U.S. Department of Labor, accessed [02/21/24](#)]

**James Ho Also Worked On The Chamber's Motion Filed In The Fifth Circuit Court Of Appeals Alongside Former Labor Department Secretary Eugene Scalia:**

#### **D. Attorneys for Co-Plaintiffs-Appellants**

Eugene Scalia  
Jason J. Mendro  
Paul Blankenstein  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036

James C. Ho  
Russell H. Falconer  
GIBSON, DUNN & CRUTCHER LLP  
2100 McKinney Avenue, Suite 1100  
Dallas, TX 75201

[U.S. Chamber of Commerce, [05/02/17](#)]

- **Eugene Scalia Served As Labor Secretary In The Trump Administration From September 2019 To January 2021.** [U.S. Department of Labor, accessed [02/21/24](#)]

#### **In October 2014, James C. Ho Submitted An Amicus Brief Supporting Shell Oil In Shell v. Witt, With Ho Working With The U.S. Chamber Litigation Center To Overturn A Court Judgement Against Chamber Board Member Shell.**

October 2014: James C. Ho Submitted An Amicus Brief In Support Of Shell On Behalf Of The U.S. Chamber Of Commerce:

---

BRIEF OF THE CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,  
THE NATIONAL ASSOCIATION OF MANUFACTURERS, AND THE AMERICAN  
PETROLEUM INSTITUTE AS AMICI CURIAE IN SUPPORT OF PETITIONERS

---

James C. Ho  
State Bar No. 24052766

[U.S. Chamber Amicus Brief in Shell Oil Company v. Robert Witt, [10/31/14](#)]

**May 2015: The Texas Supreme Court Reversed A Judgement Against Shell Following The U.S. Chamber's October 2014 Amicus Brief That Defended The Company Against A Defamation Lawsuit Alleging The Company Made Defamatory Statements Against A Former Employee To The Department Of Justice.** "The Texas Supreme Court reversed the judgment of the court of appeals, concluding that statements made by Shell were made preliminary to a proposed judicial proceeding and were absolutely privileged. [...] In its amicus letter, the U.S. Chamber asked the Texas Supreme Court to review the court of appeals' decision and clarify whether an 'absolute' privilege or a 'qualified' privilege protects communications between a company and an enforcement authority during an investigation. The Texas Court of Appeals held that Shell does not have absolute immunity from a defamation suit brought by one of its former employees, despite the fact that the suit was based on confidential statements made by Shell to the Department of Justice in response to DOJ inquiries about that employee as part of a criminal investigation under the Foreign Corrupt Practices Act ('FCPA')." U.S. Chamber of Commerce, accessed [02/15/24](#)]

**According To The U.S. Chamber, Ho Represented The U.S. Chamber Of Commerce As Co-Counsel To The Chamber's Litigation Center.** "James C. Ho and Mithun Mansinghani of Gibson Dunn & Crutcher LLP represented the U.S. Chamber of Commerce as co-counsel to the U.S. Chamber Litigation Center." [U.S. Chamber of Commerce, accessed [02/15/24](#)]

**As Of February 2024, Shell USA Is Represented On The U.S. Chamber Board:**

**Gretchen Watkins**

President and U.S. Country Chair

Shell USA, Inc.

Houston, TX

[U.S. Chamber of Commerce, accessed [02/15/24](#)]

- According To Its Political Engagement Report, Shell Spent Between \$1 Million And \$2.5 Million In U.S. Chamber Membership Dues In 2022. [Shell, accessed [02/27/24](#)]

**In September 2014, Allyson Ho Filed An Amicus Brief In Support Of An Unsuccessful Bid By Ford Motor Company—A U.S. Chamber Board Member—To Have A Rehearing In A Wrongful Death Case, With Allyson Also Serving As Co-Counsel With The U.S. Chamber Litigation Center.**

September 2014: The U.S. Chamber Of Commerce Submitted An Amicus Brief Calling On The Texas Supreme Court To "Grant Ford's Petition For Rehearing," In Re Ford Motor Company While Allyson Ho Was A Partner For Morgan, Lewis & Bockius LLP. "In its amicus letter, the U.S. Chamber asked the Texas Supreme Court to grant Ford's petition for rehearing. The letter argues that rehearing should be granted in order to respect, reaffirm, and judicially enforce the limits that the Texas Legislature has placed on litigation in Texas courts. [...] Allyson N. Ho of Morgan, Lewis & Bockius LLP represented the U.S Chamber as co-counsel to the U.S. Chamber Litigation Center." [U.S. Chamber of Commerce, accessed [02/16/24](#)]

**Ford Motor Company Filed For Mandamus Relief After An Estate Filed A Third-Party Claim Against Ford In A Wrongful Death Case.** "At issue in this case was the Texas-resident exception to the forum non conveniens statute, which allows "plaintiffs" who are legal residents of Texas to bring a case in a Texas forum even if forum non conveniens would otherwise favor dismissal. Here an estate was sued in Texas regarding a Mexican decedent's alleged responsibility for a car accident that occurred in Mexico. The estate in turn filed a third-party claim against Ford Motor Company. Wrongful-death beneficiaries, three of whom were legal residents of Texas, intervened in the lawsuit and also filed claims against Ford. Ford moved to dismiss under forum non conveniens, and the trial court denied the motion. Ford then moved for mandamus relief." [Justia Law, accessed [02/16/24](#)]

- Ultimately, The Motion For A Rehearing Was Denied By The Texas Supreme Court. [U.S. Chamber of Commerce, accessed [02/16/24](#)]

**As Of February 2024, Ford Motor Company Is Represented On The U.S. Chamber Board:**

**Gerald L. Shaheen**

FORD Motor Company

Scottsdale, AZ

[U.S. Chamber of Commerce, accessed [02/16/24](#)]

**According To Its 2021 Political Engagement Report, Ford Motor Company Spent Between \$100,000 And \$499,999 In U.S. Chamber Membership Dues In 2021.** [Ford Motor Company, accessed [02/27/24](#)]

## **James Ho's Wife Earned At Least \$3,000 In Compensation From The Federalist Society In 2022.**

**According To A 2022 Financial Disclosure Report, Judge Ho's Wife Allyson Works As An Attorney For Gibson Dunn & Crutcher, LLP And Earned \$3,000 In "Honoraria" Income From The Federalist Society:**

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2022	Gibson Dunn & Crutcher, LLP / Allyson N. Ho P.C. – Attorney and Partnership Income
2. 2022	Alliance Defending Freedom Summit - Honoraria, \$2,000
3. 2022	Federalist Society, Wichita Lawyers Chapter - Honoraria, \$1,500
4. 2022	Federalist Society, Silicon Valley Lawyers Chapter - Honoraria, \$1,500

[Search of Federal Financial Disclosure Reports database, accessed [02/07/24](#)]

## **Judge Ho Appeared At Least 20 Events In 2022 Hosted By The Federalist Society And Its Various Chapters, Including Serving As A Moderator At Two Annual Conferences.**

**According To A 2022 Financial Disclosure Report, Judge Ho Appeared At 20 Events Hosted By The Federalist Society And Various Chapters Of The Organization, Including Serving As A Moderator For Its Midwestern Conference And A Moderator At Its National Lawyers Convention:**

<b>Federalist Society Chapter</b>	<b>Date(s)</b>	<b>Location</b>	<b>Purpose</b>	<b>Items Paid</b>
Federalist Society	02/07/22-02/10/22	Cape Coral, FL	Seminar Participant	Travel Expenses
Federalist Society, Georgetown Law Center	02/15/22	Washington, DC	Speaker	Travel Expenses
Federalist Society, D.C. Young Lawyers Chapter	02/15/22	Washington, DC	Speaker	Travel Expenses
Federalist Society, University of Chicago Law School	02/17/22	Chicago, IL	Speaker	Travel Expenses
Federalist Society, Harvard Law School	03/08/22	Cambridge, MA	Speaker	Travel Expenses
Federalist Society, Columbia Law School	03/24/22	New York, NY	Speaker	Travel Expenses
Federalist Society, Stanford Law School	04/11/22	Stanford, CA	Speaker	Travel Expenses
Federalist Society, University of California, Berkeley School of Law	04/12/22	Berkeley, CA	Speaker	Travel Expenses
Federalist Society, Midwestern Conference	04/23/22	Springfield, IL	Moderator	Travel Expenses
Federalist Society, Polk County Lawyers Chapter	06/07/22	Lakeland, FL	Speaker	Travel Expenses
Federalist Society, Tampa Lawyers Chapter	06/07/22	Tampa, FL	Speaker	Travel Expenses
Federalist Society, Chicago Lawyers Chapter	06/23/22	Chicago, IL	Speaker	Travel Expenses
Federalist Society, Palm Beach Lawyers Chapter	07/24/22	Palm Beach, FL	Speaker	Travel Expenses
Federalist Society, Texas Chapters Conference	09/23/22	Austin, TX	Speaker	Travel Expenses



Federalist Society, University of Kentucky Law School	09/28/22	Lexington, KY	Speaker	Travel Expenses
Federalist Society, Sixth Annual Chapters Conference	09/29/22	Louisville, KY	Speaker	Travel Expenses
Federalist Society, National Lawyers Convention	11/10/22	Washington, DC	Moderator	Travel Expenses
Federalist Society, Wichita Lawyers Chapter	08/08/22	Wichita, KS	Speaker	Travel Expenses
Federalist Society, Silicon Valley Lawyers Chapter	09/22/22	Palo Alto, CA	Speaker	Travel Expenses
Federalist Society, Texas Lawyers Conference	09/23/22	Austin, TX	Speaker	Travel Expenses
<b># Of Appearances: 20</b>				

[Search of Federal Financial Disclosure Reports database, accessed [02/07/24](#)]

## Judge Don R. Willett

**In May 2016, Judge Don R. Willett Was Included On Donald Trump's Shortlist Of Potential Supreme Court Nominees, "Personally Curated" By Federalist Society Co-Chair Leonard Leo, Who Praised President Trump For Nominating Him To The Fifth Circuit Stating Willett Had "A Record Of Excellence."**

**In May 2016, Then-Texas Supreme Court Justice Don Willett Was Included On Trump's Shortlist Of Potential Supreme Court Nominees, Which Federalist Society Co-Chair Leonard Leo "Personally Curated."**

**May 2016: Then-Texas Supreme Court Justice Don Willett Was Included On Donald Trump's Shortlist Of Potential Supreme Court Nominees, Which Leonard Leo "Personally Curated."** "Texas Supreme Court Justice Don Willett has made Donald Trump's 11-person list of judges the real estate mogul would consider appointing to the U.S. Supreme Court if elected president. [...] On Wednesday, presumptive Republican Party presidential nominee Donald Trump included Willett on a list of 11 people whom Trump would consider nominating to the U.S. Supreme Court if he were elected president." [Texas Tribune, [05/18/16](#)]

- Leonard Leo "Personally Curated" Trump's List Of Potential Supreme Court Nominees.** "Former President Donald Trump was quick to take credit for the demise of Roe v. Wade on Friday. In a statement released hours after the Supreme Court decision, he said it was only possible because he 'delivered everything as promised, including nominating and getting three highly respected and strong constitutionalists confirmed to the United States Supreme Court.' Those three justices were Neil Gorsuch, Brett Kavanaugh and Amy Coney Barrett — all of whom voted to overturn Roe. And all of whom were, at some point, on a much publicized list of potential SCOTUS nominees that Trump publicly shared. A list that was personally curated by Leo." [NPR, [06/30/22](#)]

**In September 2017, Leonard Leo Praised Trump's Nomination Of Don Willett To The Fifth Circuit, Specifically Stating Willett Had "A Record Of Excellence."**

**September 2017: Leonard Leo Praised Trump's Appointment Of Don Willett, Kyle Duncan, Kurt Engelhardt, And James Ho To The Fifth Circuit, Specifically Claiming That Willett And Duncan "Have A**

**Record Of Excellence.”** “President Trump has picked Texas Supreme Court Justice Don Willett, a popular judge on Twitter who was on Trump’s short list for the U.S. Supreme Court earlier this year, for a position on a federal appeals court. [...] The White House announced that Trump would also nominate Louisiana attorney Kyle Duncan, U.S. District Judge Kurt Engelhardt and Dallas attorney James Ho for the 5th Circuit, as part of the administration’s eighth wave of judicial nominations. Leonard Leo, who took leave from the conservative Federalist Society in order to advise Trump on possible replacements for the late Supreme Court Justice Antonin Scalia, praised the picks on Thursday.” [The Hill, [09/28/17](#)]

- **Leo Said, “Texas Justice Don Willett And Louisiana Attorney And Professor Kyle Duncan, In Particular, Embody President Trump’s Commitment To Picking Judges Who Have A Record Of Excellence.”** “Leonard Leo, who took leave from the conservative Federalist Society in order to advise Trump on possible replacements for the late Supreme Court Justice Antonin Scalia, praised the picks on Thursday. ‘Texas Justice Don Willett and Louisiana attorney and professor Kyle Duncan, in particular, embody President Trump’s commitment to picking judges who have a record of excellence and a commitment to a judicial role that is impartial rather than committed to a particular personal or legal agenda,’ Leo said in a statement. ‘They are held in very high regard by scholars and practicing lawyers across the country, and I am confident they will serve with distinction,’ he continued.” [The Hill, [09/28/17](#)]

**A Review Of Judge Don R. Willett Shows The Former Texas Supreme Court Justice Received At Least \$32,500 From Companies On The U.S. Chamber Board As A Candidate, And Reported Owning Less Than \$15,000 In CitiGroup, Which Paid \$50,000 In Chamber Membership Dues During 2022.**

**According To A 2022 Annual Disclosure, Judge Willett Is A Member And Sits On The Board Of Advisors At The Federalist Society And Public Studies, And Reported Owning Dividends Invested In Citigroup, Which Paid At Least \$50,000 In Membership Dues To The U.S. Chamber Of Commerce.**

Don R. Willett, A Judge In The U.S Court Of Appeals For The Fifth Circuit, Has Disclosed Federalist Society Membership And Is A Contributor For The Group:

Judge	Court	Federalist Society Contributor	Federalist Society Member
<a href="#">Willett, Don R.</a>	Judge, U.S. Court of Appeals for the Fifth Circuit	<a href="#">Yes</a>	<a href="#">Yes</a>

**According To His 2022 Annual Financial Disclosure Report, Judge Don Willett Sits On The Board Of Advisors For The Federalist Society For Law And Public Studies (Austin Lawyers Chapter):**

Board of Advisors

Federalist Society for Law and Public Policy Studies (Austin Lawyers Chapter)

[Search of Federal Financial Disclosure Reports database, accessed [02/07/24](#)]

**Willett Also Reported Owning Less Than \$15,000 In Citigroup Stock.** [Search of Federal Financial Disclosure Reports database, accessed [02/07/24](#)]

According To Its 2022 Political Engagement Report, Citigroup Is A Member Of The U.S. Chamber Of Commerce Spending At Least \$50,000 In Membership Dues. [Citigroup 2022 Political Engagement Report, accessed [02/07/24](#)]

### **According To State Campaign Data, While A Candidate For The Texas State Supreme Court, Judge Willett Took At Least \$32,500 From Companies On The U.S. Chamber Board Of Directors.**

According To FollowTheMoney.org, Willett Took At Least \$32,500 From Companies That Are Represented On The U.S. Chamber Board Of Directors While He Was A Candidate For The Texas State Supreme Court:

Company On U.S. Chamber Board	Total
<a href="#">Chevron</a>	\$1,000
<a href="#">ConocoPhillips</a>	\$4,500
<a href="#">Ford Motor Company</a>	\$1,000
<a href="#">Pfizer</a>	\$26,000
TOTAL: \$32,500	

## **Judge E. Grady Jolly**

**Wiley Rein LLP, Self-Described As DC's "Secret Firm," Aided The U.S. Chamber Litigation Center By Filing An Amicus Brief Supporting A Successful December 2023 Challenge In The Fifth Circuit To A Securities And Exchange Commission (SEC) Rule Requiring Enhanced Reporting By Companies On Stock Buybacks—Two Partners, John E. Howell And Megan L. Brown, Served As Law Clerks To Fifth Circuit Judge E. Grady Jolly, Who Is Now In “Semi-Retirement” As A Senior Judge.**

### **In December 2023, The Fifth Circuit Vacated Rulemaking Proposed By The Securities And Exchange Commission (SEC) That Would Have Updated Existing Buyback Disclosure Laws, Arguing The SEC "Failed To Conduct A Proper Analysis Of The Rule's Costs And Benefits."**

**December 2023: The Fifth Circuit Struck Down The Securities And Exchange Commission's (SEC) Rule On Corporate Stock Buybacks, Arguing The SEC "Failed To Conduct A Proper Analysis Of the Rule's Costs And Benefits."** "The Securities and Exchange Commission is likely to consider a do-over for a hotly contested rule on corporate stock buybacks after a federal appeals court struck it down. The US Court of Appeals for the Fifth Circuit vacated the rule on Dec. 19, after previously finding the SEC failed to conduct a proper analysis of the rule's costs and benefits. The rule required companies to disclose more information about stock repurchases, including their rationale." [Bloomberg Law, [12/20/23](#)]

- **The SEC's Proposed Rulemaking Would Have Required Companies To "Periodically Disclose Data That Is Aggregated On A Daily Basis" As Opposed To A Monthly Basis.** "Currently, SEC rules require companies to disclose share repurchase data that is aggregated on a monthly basis. The now-vacated final rule would've required companies to periodically disclose data that is aggregated on

a daily basis. Companies also would've had to explain their rationale for a repurchase." [Bloomberg Law, [12/20/23](#)]

## **Wiley Rein LLP—Which Calls Itself DC's "Secret Firm"—Filed An Amicus Brief Supporting The U.S. Chamber's Challenge Against The SEC's Proposed Rulemaking On Company Stock Buybacks, Later Touting Its Amicus Brief "Helped Persuade" The Fifth Circuit To Nullify The Rule.**

**July 2023: Wiley Rein LLP Filed An Amicus Brief Challenging The SEC's Proposed Rulemaking Arguing In Favor Of The Chamber's Position The SEC "Failed To Engage In Reasoned Decisionmaking."** "On July 17, Wiley Rein LLP filed an amicus brief in the Fifth Circuit on behalf of S.P. Kothari and James Overdahl, both former U.S. Securities and Exchange Commission (SEC) Chief Economists, in support of the petitioners in Chamber of Commerce of the United States of America, et al. v. U.S. Securities and Exchange Commission, No. 23-60255." [Wiley Rein LLP, [07/24,23](#)]

- **Wiley Rein Describes Itself As DC's "Secret Firm" That Represents "The Most Bleeding-Edge Organizations In The World" And Helps To "Anticipate Challenges, Craft Policies, And Create Solutions."** "We are the secret firm in DC for several of the most bleeding-edge organizations in the world. From autonomous vehicles to blockchain technologies, our focused industry knowledge helps us anticipate challenges, craft policies, and create solutions for technologies that are still unfolding." [Wiley Rein LLP, accessed [02/06/24](#)]
- **November 2023: Wiley Rein Touted Its Role To "Hel[p] Persuade" The Fifth Circuit On Its Upcoming Ruling Nullifying The SEC's Buyback Rule.** "Wiley Rein LLP, representing two former U.S. Securities and Exchange Commission (SEC) Chief Economists as amici, helped persuade the U.S. Court of Appeals for the Fifth Circuit to nullify the Commission's new share-repurchase rule in Chamber of Commerce of the United States of America, et al. v. SEC. [...] The SEC rule, adopted in May 2023, requires publicly traded companies to disclose more information to investors when the companies repurchase shares of their own stock. The U.S. Chamber of Commerce and two other business groups petitioned the Fifth Circuit to vacate the rule, arguing that the SEC 'failed to engage in reasoned decisionmaking.'" [Wiley Rein LLP, [11/06/23](#)]

## **A Review Of Wiley Rein Shows That Current Partner John E. Howell Worked As A Law Clerk Under Fifth Circuit Judge E. Grady Jolly From 2007 To 2008, Who Went Into "Semi-Retirement" In 2017 But Still Serves As A Senior Judge.**

**John E. Howell Is A Partner At Wiley Rein LLP.** [Wiley Rein LLP, accessed [02/06/24](#)]

**According To His Bio, Howell Worked As A Law Clerk For Fifth Circuit Judge E. Grady Jolly From 2007 To 2008:**

### **Clerkships**

Law Clerk for the Honorable E. Grady Jolly, U.S. Court of Appeals for the Fifth Circuit (2007-2008)

[Wiley Rein LLP, accessed [02/06/24](#)]

**Fifth Circuit Judge E. Grady Jolly Has Senior Status, A Form Of "Semi-Retirement" With Reduced Caseload:**

**Federal Judicial Service:**

Judge, U.S. Court of Appeals for the Fifth Circuit

Nominated by Ronald Reagan on July 1, 1982, to a seat vacated by James Plemon Coleman.

Confirmed by the Senate on July 27, 1982, and received commission on July 30, 1982.

Assumed senior status on October 3, 2017.

[Federal Judicial Center, accessed [02/23/24](#)]

- **In Addition To Active Judges, Circuit Courts Also Have Senior Judges, Who Have Taken On A Reduced Caseload After Meeting Certain Age And Service Requirements.** “Senior status is a classification for federal judges at all levels who are semi-retired. Senior judges are Article III judges who, having met eligibility through age and service requirements, continue to serve on federal courts while typically hearing a reduced number of cases. Some senior judges, however, elect to retain a full caseload after taking senior status.” [Ballotpedia, [11/09/23](#)]
- **“Senior Status Is A Form Of Semi-Retirement For Judges Over The Age Of 65,” And Presidents May Name New Full-Time Judges To Fill Senior Judges’ Seats.** “Senior status is a form of semi-retirement for judges over the age of 65 who have completed at least 15 years on the federal bench. Presidents may name new full-time judges to fill those judges’ seats.” [Reuters, [06/03/22](#)]

### **Wiley Rein LLP Partner Megan L. Brown—Who Co-Authored Wiley Rein's Amicus Brief In Support Of The Chamber—Also Served As A Law Clerk Under Fifth Circuit Judge E. Grady Jolly.**

Megan L. Brown Is A Partner At Wiley Rein LLP. [Wiley Rein LLP, accessed [02/06/24](#)]

According To Her Bio, Brown Served As A Law Clerk Under Fifth Circuit Judge Jolly From 2002 To 2003:

#### **Clerkships**

Law Clerk for the Honorable E. Grady  
Jolly, U.S. Court of Appeals for the Fifth  
Circuit (2002–2003)

[Wiley Rein LLP, accessed [02/06/24](#)]

**Brown Helped To Author The Amicus Brief Wiley Rein Filed In Support Of The Chamber's Challenge Against The SEC.** “Kothari and Overdahl's amicus brief, filed in support of the petitioners, argued that the SEC had not provided ‘any credible support’ to justify the rule. In addition, the rule would impose ‘substantial costs’ with ‘no discernable benefits,’ according to the brief, authored by Wiley partners Megan L. Brown, Thomas M. Johnson, Jr., and Kevin B. Muhlendorf, and special counsel Michael J. Showalter.” [Wiley Rein LLP, [11/06/23](#)]

## **Judge Edith H. Jones**



**A Review Of Judge Edith H. Jones' Office Shows Her Former Law Clerks Andy Varcoe And Tyler Badgley Serve As The Chamber Litigation Center's Deputy Chief Counsel And Senior Counsel, Respectively.**

**U.S. Chamber Litigation Center Deputy Chief Counsel Andy Varcoe Served As A Law Clerk For Judge Edith H. Jones From 2001 To 2002.**

**Andy Varcoe Serves As The Deputy Chief Counsel For The U.S. Chamber Litigation Center:**



Deputy Chief Counsel, U.S. Chamber Litigation Center

Andy Varcoe is deputy chief counsel at the U.S. Chamber Litigation Center, the litigation arm of the U.S. Chamber of Commerce. In this capacity, Varcoe helps oversee the Chamber's environment and energy litigation, and handles an array of other civil litigation.

[U.S. Chamber of Commerce, accessed [02/06/24](#)]

**According To His Bio, Varcoe Served As A Law Clerk For Judge Edith H. Jones.** "Varcoe served as a law clerk to both the Honorable Edith H. Jones, of the U.S. Court of Appeals for the Fifth Circuit, and the Honorable Francis X. Spina, of the Massachusetts Supreme Judicial Court." [U.S. Chamber of Commerce, accessed [02/06/24](#)]

**According To His LinkedIn, Varcoe Worked For Judge Jones From 2001 To 2002:**



**Law Clerk**

U.S. Court of Appeals for the Fifth Circuit

2001 - 2002 · 1 yr

Houston, Texas Area

Law clerk for the Honorable Edith H. Jones.

[LinkedIn, access [02/06/24](#)]

**U.S. Chamber Litigation Senior Counsel Tyler Badgley, Who "Handles A Variety Of Litigation Matters For The Chamber" On Constitutional Law, Served As A Law Clerk For Judge Edith H. Jones From August 2016 To August 2017.**

**Tyler Badgley Serves As The Senior Counsel For The U.S. Chamber Litigation Center, Described As The "Litigation Arm Of The U.S. Chamber" Where "He Handles A Variety Of Litigation Matters For The Chamber, Including Constitutional Law Issues":**



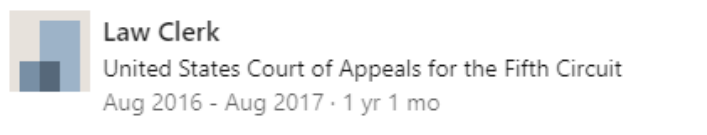
Senior Counsel, U.S. Chamber Litigation Center

Tyler Badgley is senior counsel at the U.S. Chamber Litigation Center, the litigation arm of the U.S. Chamber of Commerce. In this capacity, he handles a variety of litigation matters for the Chamber, including constitutional law issues.

[U.S. Chamber of Commerce, accessed [02/06/24](#)]

**According To His Bio, Badgley Served As A Law Clerk For Fifth Circuit Judge Edith H. Jones.** "Badgley served as a law clerk to the Honorable Edith H. Jones of the United States Court of Appeals for the Fifth Circuit." [U.S. Chamber of Commerce, accessed [02/06/24](#)]

**According To His LinkedIn, Badgley Worked For Judge Jones From August 2016 To August 2017:**



[LinkedIn, accessed [02/06/24](#)]

## Judge Jerry E. Smith

**A Review Of Judge Jerry E. Smith—Who Has Attended At Least One Federalist Society Event In Washington, DC—Shows Several Of The Judge's Former Law Clerks Work For The U.S. Chamber Litigation Center And Wiley Rein, Including The Litigation Center's Executive Vice President And Chief Counsel Daryl Joseffer, Who Has Slammed The CFPB As "Pushing An Activist Agenda," Urging It To Rescind Changes To Its Supervision Of Unfair, Deceptive, Or Abusive Acts Or Practices (UDAAP).**

**A 2021 Financial Disclosure Shows Judge Jerry E. Smith Attended At Least One Federalist Society Event In Washington, DC.**

**According To A 2021 Financial Disclosure Report, Judge Jerry E. Smith Appeared At A November Federalist Society Event In Washington, DC:**

Federalist Society of Law & Public Policy	11/11-13/2021	Washington, DC	Convention	Transportation, lodging, and meals
---	---------------	----------------	------------	------------------------------------

[Search of Federal Financial Disclosure Reports database, accessed [02/07/24](#)]

**U.S. Chamber Litigation Center Executive Vice President And Chief Counsel Daryl Joseffer Served As A Law Clerk For Fifth Circuit Judge Jerry E. Smith From 1995 To 1996.**

**Daryl Joseffer Serves As The U.S. Chamber Litigation Center's Executive Vice President And Chief Counsel:**



Executive Vice President and Chief Counsel, U.S. Chamber Litigation Center, U.S. Chamber of Commerce

Daryl Joseffer is executive vice president and chief counsel at the [U.S. Chamber Litigation Center](#), the litigation arm of the U.S. Chamber of Commerce. A former principal deputy solicitor general, Joseffer has argued 12 cases in the U.S. Supreme Court and briefed many more. He has argued dozens of appeals in other courts across the country.

[U.S. Chamber of Commerce, accessed [02/06/24](#)]

**Joseffer Previously Served As A Law Clerk For Fifth Circuit Judge Jerry E. Smith.** "Previously, he served in the Solicitor General's Office and as a deputy general counsel in the White House Office of Management and Budget, a partner at Kirkland & Ellis, and a law clerk to the Honorable Jerry E. Smith, Circuit Judge of the U.S. Court of Appeals for the Fifth Circuit." [U.S. Chamber of Commerce, accessed [02/06/24](#)]

**According To His LinkedIn, Joseffer Served As A Clerk For Judge Jerry E. Smith From 1995 To 1996:**



Clerk for Hon. Jerry E. Smith  
U.S. Court of Appeals for the Fifth Circuit  
1995 - 1996 · 1 yr  
Houston, TX

[LinkedIn, accessed [02/06/24](#)]

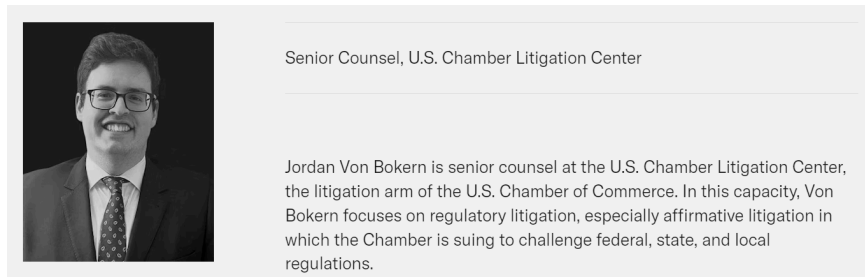
**In June 2022, The U.S. Chamber Launched A Campaign Against The CFPB, With Joseffer Claiming "The CFPB Is Pushing An Activist Agenda," Urging The Agency To Rescind Changes To Its Supervision Of Unfair, Deceptive, Or Abusive Acts Or Practices (UDAAP).**

**June 2022: The U.S. Chamber Of Commerce Launched A Campaign Against The Consumer Financial Protection Bureau, With Joseffer Claiming "The CFPB Is Pushing An Activist Agenda 'Without Advance Public Participation Or Approval.'"** "On June 28, the U.S. Chamber of Commerce (Chamber) launched a focused campaign to highlight what it describes as unlawful regulatory overreach by the Consumer Financial Protection Bureau (CFPB or Bureau) and, specifically, new CFPB Director Rohit Chopra. 'At every turn,' writes Chamber Executive Vice President and Chief Counsel Daryl Joseffer, the CFPB is pushing an activist agenda 'without advance public participation or approval. That is not the system Congress designed, nor one which our laws will tolerate.'" [JD Supra, [07/06/22](#)]

**June 2022: Joseffer Opposed The CFPB's Changes To Its Supervision Of Unfair, Deceptive, Or Abusive Acts Or Practices (UDAAP), Claiming "Applying The UDAAP To Discriminatory Conduct Would Thus Provoke Confusion - For Both Consumers About Their Rights And Regulated Entities."** "The business community strongly supports effective anti-discrimination policies and adherence to the laws prescribed by Congress," wrote Daryl Joseffer, executive vice president and chief counsel at the U.S. Chamber Litigation Center. [...] 'Applying the UDAAP to discriminatory conduct would thus provoke confusion - for both consumers about their rights and regulated entities about their responsibilities,' Joseffer wrote." [American Banker, [06/28/22](#)]

## **U.S. Chamber Litigation Center Senior Counsel Jordan Von Bokern Served As A Law Clerk For Fifth Circuit Judge Jerry E. Smith And Then-Seventh Circuit Judge Amy Coney Barrett.**

**Jordan Von Bokern Is Senior Counsel For The U.S. Chamber Litigation Center:**



[U.S. Chamber of Commerce, accessed [02/06/24](#)]

**According To His Bio, Von Bokern Served As A Law Clerk For Fifth Circuit Judge Smith And Even Then-Seventh Circuit Judge Amy Coney Barrett.** "Von Bokern served as a law clerk for both then-Seventh Circuit Court of Appeals Judge Amy Coney Barrett and Fifth Circuit Court of Appeals Judge Jerry E. Smith. " [U.S. Chamber of Commerce, accessed [02/06/24](#)]

## **A Review Of Wiley Rein LLP Shows Partner Thomas M. Johnson, Jr. Worked As A Law Clerk For Fifth Circuit Judge Smith From 2005 To 2006, Later Authoring The Amicus Brief Filed In Support Of The Chamber's Challenge Against The SEC.**

**Thomas M. Johnson, Jr. Is A Partner At Wiley Rein LLP.** [Wiley Rein LLP, accessed [02/06/24](#)]

**According To His Bio, Johnson Jr. Worked As A Law Clerk For Fifth Circuit Judge Smith From 2005 To 2006:**

### **Clerkships**

Law Clerk for the Honorable Jerry E.  
Smith, U.S. Court of Appeals for the Fifth  
Circuit (2005-2006)

[Wiley Rein LLP, accessed [02/06/24](#)]

**Johnson Jr. Helped Author The Amicus Brief Wiley Rein Filed In Support Of The U.S. Chamber.** "Kothari and Overdahl's amicus brief, filed in support of the petitioners, argued that the SEC had not provided 'any credible support' to justify the rule. In addition, the rule would impose 'substantial costs' with 'no discernable benefits,' according to the brief, authored by Wiley partners Megan L. Brown, Thomas M. Johnson, Jr., and Kevin B. Muhlendorf, and special counsel Michael J. Showalter." [Wiley Rein LLP, [11/06/23](#)]

**Judge Jacques L. Wiener Jr.**

**According To A 2022 Financial Disclosure, Judge Jacques L. Wiener Jr. Owns Stock In U.S. Chamber Board Member Chevron And Financial Services Companies Commerce Bancshares And Ally Financial, While A Former Law Clerk Also Works As A Partner At Wiley Rein.**

**A 2022 Financial Disclosure Shows Judge Wiener Jr. Owned Stock Invested In Chevron, Which Sits On The U.S. Chamber Board Of Directors And Commerce Bancshares And Ally Financials, Lenders Regulated By The CFPB.**

According To A 2022 Financial Disclosure, Judge Wiener, Jr. Owned Between \$100,001 And \$250,000 In Chevron Corp Stock. [Search of Federal Financial Disclosure Reports database, accessed [02/07/24](#)]

- **Chevron Is Represented On The U.S. Chamber Board Of Directors.** [U.S. Chamber Of Commerce, accessed [02/08/24](#)]

Judge Wiener Owned Between \$50,001 And \$100,000 In Commerce Bancshares Stock, Selling Part In December 2022. [Search of Federal Financial Disclosure Reports database, accessed [02/07/24](#)]

- **Commerce Bancshares Is A Commercial Bank Headquartered In Kansas City, MO.** [Commerce Bank, accessed [02/08/24](#)]

Wiener Also Owned Between \$50,001 And \$100,000 In Ally Financial Inc. Stock. [Search of Federal Financial Disclosure Reports database, accessed [02/07/24](#)]

- **Ally Financial Is An Online Lender That Also Offers Credit Cards.** [Ally Financial, accessed [02/08/24](#)]

**Gregory M. Williams, A Partner At Law Firm Wiley Rein Served As A Law Clerk For Fifth Circuit Judge Jacques L. Wiener From 1998 To 1999, Who Went Into “Semi-Retirement” In 2010 But Still Serves As A Senior Judge.**

Gregory M. Williams Is A Partner At Wiley Rein LLP. [Wiley Rein LLP, accessed [02/06/24](#)]

According To His Bio, Williams Served As A Law Clerk For Fifth Circuit Judge Jacques L. Wiener From 1998 To 1999:

#### **Clerkships**

Law Clerk for the Honorable Jacques L.  
Wiener, U.S. Court of Appeals for the  
Fifth Circuit (1998-1999)

[Wiley Rein LLP, accessed [02/06/24](#)]

**Fifth Circuit Judge Jacques L. Wiener Jr. Has Senior Status, A Form Of “Semi-Retirement” With Reduced Caseload:**



### **Federal Judicial Service:**

Judge, U.S. Court of Appeals for the Fifth Circuit

Nominated by George H.W. Bush on November 17, 1989, to a seat vacated by Robert Madden Hill. Confirmed by the Senate on March 9, 1990, and received commission on March 12, 1990. Assumed senior status on September 30, 2010.

[Federal Judicial Center, accessed [02/23/24](#)]

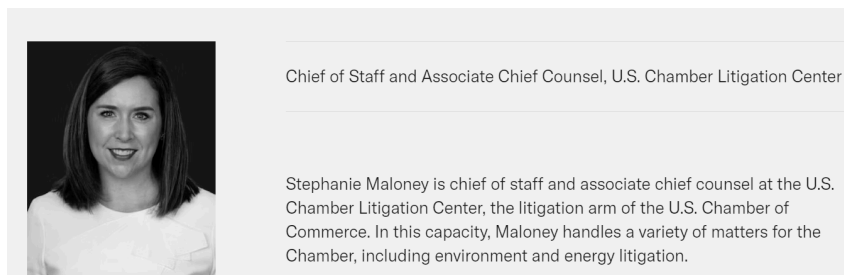
- **In Addition To Active Judges, Circuit Courts Also Have Senior Judges, Who Have Taken On A Reduced Caseload After Meeting Certain Age And Service Requirements.** "Senior status is a classification for federal judges at all levels who are semi-retired. Senior judges are Article III judges who, having met eligibility through age and service requirements, continue to serve on federal courts while typically hearing a reduced number of cases. Some senior judges, however, elect to retain a full caseload after taking senior status." [Ballotpedia, [11/09/23](#)]
- **"Senior Status Is A Form Of Semi-Retirement For Judges Over The Age Of 65," And Presidents May Name New Full-Time Judges To Fill Senior Judges' Seats.** "Senior status is a form of semi-retirement for judges over the age of 65 who have completed at least 15 years on the federal bench. Presidents may name new full-time judges to fill those judges' seats." [Reuters, [06/03/22](#)]

## **Judge Edith Brown Clement**

**A Review Of Judge Edith Brown Clement's Office Shows Former Law Clerk Stephanie Maloney Serves As The U.S. Chamber Litigation Center's Chief Of Staff And Senior Counsel.**

**U.S. Chamber Litigation Center Chief Of Staff And Senior Counsel Stephanie Maloney Is A Former Law Clerk For Judge Edith Brown Clement, Who Went Into "Semi-Retirement" In 2018 But Still Serves As A Senior Judge.**

**Stephanie Maloney Serves As The Chief Of Staff And Associate Chief Counsel For The U.S. Chamber Litigation Center:**



[U.S. Chamber of Commerce , accessed [02/06/24](#)]

**According To Her Bio, Maloney Served As A Law Clerk For Judge Edith Brown Clement.** "Maloney served as a law clerk to both the Honorable Edith Brown Clement, of the U.S. Court of Appeals for the Fifth Circuit, and the Honorable Stephen J. Murphy, III, of the U.S. District Court for the Eastern District of Michigan." [U.S. Chamber of Commerce, accessed [02/06/24](#)]

**According To Maloney's LinkedIn, She Worked With Clement From August 2015 To August 2016:**



**Law Clerk, Judge Edith Brown Clement**

U.S. Court of Appeals for the Fifth Circuit

Aug 2015 - Aug 2016 · 1 yr 1 mo

New Orleans, Louisiana

[LinkedIn, accessed [02/06/24](#)]

**Fifth Circuit Judge Edith Brown Clement Has Senior Status, A Form Of “Semi-Retirement” With Reduced Caseload:**

Judge, U.S. Court of Appeals for the Fifth Circuit

Nominated by George W. Bush on September 4, 2001, to a seat vacated by John M.

Duhe, Jr. Confirmed by the Senate on November 13, 2001, and received commission on November 26, 2001. Assumed senior status on May 14, 2018.

[Federal Judicial Center, accessed [02/23/24](#)]

- **In Addition To Active Judges, Circuit Courts Also Have Senior Judges, Who Have Taken On A Reduced Caseload After Meeting Certain Age And Service Requirements.** “Senior status is a classification for federal judges at all levels who are semi-retired. Senior judges are Article III judges who, having met eligibility through age and service requirements, continue to serve on federal courts while typically hearing a reduced number of cases. Some senior judges, however, elect to retain a full caseload after taking senior status.” [Ballotpedia, [11/09/23](#)]
- **“Senior Status Is A Form Of Semi-Retirement For Judges Over The Age Of 65,” And Presidents May Name New Full-Time Judges To Fill Senior Judges’ Seats.** “Senior status is a form of semi-retirement for judges over the age of 65 who have completed at least 15 years on the federal bench. Presidents may name new full-time judges to fill those judges’ seats.” [Reuters, [06/03/22](#)]