

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Armando Omar Bonilla

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

Judge, United States Court of Federal Claims

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

Office: Capital One Financial Corporation
 1680 Capital One Drive
 McLean, Virginia 22102

Residence: Washington, District of Columbia

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

1967; New York, New York

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

1989 – 1992, Seton Hall University School of Law; J.D. (magna cum laude), 1992

Summer 1989, Wake Forest University School of Law, no degree received
Council on Legal Education Opportunity Fellow (pre-law summer institute)

1985 – 1989, West Virginia University; B.A., 1989

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

2018 – present
Capital One Financial Corporation
1680 Capital One Drive
McLean, Virginia 22102
Vice President, Ethics & Investigations

2017 – 2018
United States Department of Justice
United States Marshals Service, Office of General Counsel
1215 South Clark Street
Arlington, Virginia 22202
Associate General Counsel

2010 – 2017
United States Department of Justice
Office of the Deputy Attorney General
950 Pennsylvania Avenue, Northwest, 4th Floor
Washington, District of Columbia 20530
Associate Deputy Attorney General (2014 – 2017)
Senior Counsel to the Deputy Attorney General (2010 – 2014)

2002 – 2010
United States Department of Justice
Criminal Division, Public Integrity Section
Bond Building, 12th Floor
1400 New York Avenue, Northwest
Washington, District of Columbia 20530
Trial Attorney

2001 – 2002
United States Department of Justice
Criminal Division, Asset Forfeiture and Money Laundering Section
Bond Building, 2nd Floor
1400 New York Avenue, Northwest
Washington, District of Columbia 20530
Trial Attorney

1994 – 2001
United States Department of Justice
Civil Division, Commercial Litigation Branch
1100 L Street, Northwest, 12th Floor
Washington, District of Columbia 20530
Trial Attorney

1996 – 1998 (academic years)
The George Washington University Law School

2000 H Street, Northwest
Washington, District of Columbia 20052
Adjunct Professor of Law, Legal Research and Writing

1992 – 1994
United States District Court for the District of New Jersey
Chambers of the Honorable Garrett E. Brown, Jr.
Clarkson S. Fisher Building & U.S. Courthouse
42 East State Street
Trenton, New Jersey 08608
Law Clerk to Judge Garrett E. Brown, Jr., United States District Judge

1990 – 1992 (academic years)
Seton Hall University School of Law
One Newark Center
Newark, New Jersey 07102
Teaching Assistant (Contracts I & II) to Professor Susan Block-Lieb

Summer 1991
Clapp & Eisenberg, PC
One Newark Center
Newark, New Jersey 07102
Summer Associate

1989 – 1990 (summer and holiday breaks)
Wharfside-Chef's International
101 Channel Drive
Point Pleasant, New Jersey 08724
Server

1987 – 1989 (summer and holiday breaks)
First DeWitt Savings & Loan
1161 Burt Tavern Road
Bricktown, New Jersey 08724
Teller

Uncompensated Affiliations:

2021 – present
So Others Might Eat (SOME)
71 O Street, Northwest
Washington, District of Columbia 20001
Member, Board of Directors

2016 – present
Holy Trinity School (Georgetown) School Advisory Board

1325 36th Street, Northwest
Washington, District of Columbia 20007
President (2017 – 2018)
Vice President (2016 – 2017)

2001 – 2003
The Castle on Logan Circle Homeowners Association
1306 O Street, Northwest
Washington, District of Columbia 20005
President

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

I did not serve in the military. I registered for the selective service upon turning 18.

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

Attorney General's Award for Distinguished Service (2011)

Special Commendation, United States Department of State, Office of the Inspector General, Office of Investigation (2009)

Assistant Attorney General's Award (Criminal Division) for Ensuring the Integrity of Government (2006 & 2008)

Special Commendation Award, Civil Division, United States Department of Justice (2000)

Federal Bar Association Younger Federal Lawyers Award (1999)

Letters of Commendation for Extraordinary Trial Work from Attorney General Janet Reno and FBI Director Louis J. Freeh (1998)

Letter of Commendation for Extraordinary Litigation Skills, United States Air Force (1998)

Attorney General's Honors Program (1994)

Seton Hall University School of Law
Graduated magna cum laude (1992)
Editor-in-Chief, Seton Hall Constitutional Law Journal (1991 – 1992)

Seton Hall Interschool Appellate Moot Court Competition, Winning Team,
Best Oralist and Best Brief (1991)

Council on Legal Education Opportunity Fellow (Summer 1989)

West Virginia University

Greek Man of the Year (1989), award for distinguished achievement in
academics, campus leadership, and community service

“Mr. Mountaineer” (second), award for academic achievement and
extracurricular involvement (1989)

President, Pi Kappa Phi (Alpha Rho Chapter) national social fraternity
(1986 – 1989), National Student-of-the-Year (finalist 1988)

Mountain Honorary (top 25 student leaders) (1987 – 1989)

Drum Major/Field Conductor, West Virginia University Marching Band
(1985 – 1989)

Order of Omega, Greek leadership fraternity (1987 – 1989)

Kappa Kappa Psi and Tau Beta Sigma (Northeast District), national honorary
band fraternities (1986 – 1989)

Eagle Scout, Boy Scouts of America (n/k/a Scouts BSA) (1985)

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

Attorney General’s Honors Program Hiring Committee (2009 – 2016)

Edward Bennett Williams Inn of Court (2011 – 2017)
Barrister

Federal Interagency Drug Endangered Children Task Force (2011 – 2012)

Health Care Fraud Prevention and Enforcement Action Team (2010 – 2011)

Hispanic National Bar Association (2013 – present)

Hispanic Bar Association of the District of Columbia (2011 – present)
Endorsements Committee (2013 – 2014)

Identity Theft Steering Committee, implementing the recommendations included in the
2008 President’s Identity Theft Task Force Report (2010 – 2014)

International Criminal Police Organization (INTERPOL) Evolving Fund Working Group
(2012 – 2013)

Justice Prisoner and Alien Transportation System Executive Committee (2010 – 2015)

National Commission on Forensic Science (2013)

President's Task Force on 21st Century Policing (2014 – 2015)

President's Task Force on Puerto Rico (2012 – 2014)

Protective Services Working Group (2010 – 2012)

Seton Hall University School of Law Class of 1992 Reunion Committee (2007 & 2012)

United States Court of Federal Claims Bar Association (1994 – 2001, 2013 – 2017)

United States Department of Homeland Security Maritime Migration Senior Oversight Group (2010 – 2012)

United States Department of Justice (Criminal Division) Diversity Committee (2010)

United States Department of Justice Investment Review Board (2010 – 2012)

United States Department of Justice Law Enforcement Operations Chiefs Working Group (2014)

United States Department of Justice Priority Goal: Violent Crime Team Lead (2013 – 2014)

United States Department of Justice Prison Rape Elimination Act Working Group (2014)

White House Opioid Task Force (2017)

White House Public Safety Working Group (2010 – 2011)

White House Department of Veterans Affairs Telehealth Working Group (2017)

10. **Bar and Court Admission:**

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

New Jersey, 1992
District of Columbia, 2011

There have been no lapses in membership. In addition, although the Pennsylvania Board of Bar Examiners notified me on November 13, 1992, that I passed the July 1992 Pennsylvania bar examination, I never submitted the paperwork to be officially sworn in as a member of that bar.

- 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, 2007
United States Court of Appeals for the First Circuit, 2003
United States Court of Appeals for the Third Circuit, 2006
United States Court of Appeals for the Fifth Circuit, 2003
United States Court of Appeals for the Federal Circuit, 1994
United States District Court for the Northern District of Georgia, 2006
United States District Court for the District of Nevada, 2005
United States District Court for the District of Puerto Rico, 2003
United States District Court of the Virgin Islands, 2003
United States Court of Federal Claims, 1994

To the best of my knowledge and belief, there have been no lapses in my membership in any of these courts.

11. Memberships:

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

Holy Trinity School (Georgetown) Fathers Club (2010 – present)

Holy Trinity School (Georgetown) School Advisory Board (2016 – present)
President (2017 – 2018)
Vice President (2016 – 2017)

So Others Might Eat (SOME) (2021 – present)
Member, Board of Directors

The Castle on Logan Circle Homeowners Association (2001 – 2003)
President

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

implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

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

12. Published Writings and Public Statements:

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

With James M. Kinella, "Military Pay," published in *The United States Court of Federal Claims: A Deskbook for Practitioners* (4th ed. Apr. 1998). Copy supplied.

Municipal Noise Ordinance Imposing Mandatory Adherence to Sound Amplification Guidelines Constitutes a Valid Time, Place, and Manner Restriction on Protected Speech, 1 Seton Hall Const. L.J. 451 (1991). Copy supplied.

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

During my tenure with the United States Department of Justice Office of the Deputy Attorney General, I served as the interim Team Lead of the "Violent Crime" Agency Priority Goal from December 2013 to February 2014. While I did not draft any publications, I did approve two website pages:

Team Lead, Department of Justice Priority Goal: Violent Crime (FY 2015) ("Goal Overview" and "Performance Indicators"). Copies supplied.

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

On July 24, 2014, I testified before the United States Senate Committee on the Judiciary in connection with my then pending nomination to serve as a Judge on

the United States Court of Federal Claims. Transcript and responses to written questions supplied.

United States Department of Justice Statement Regarding Inspector General Report on the *Handling of Former Known or Suspected Terrorists Admitted into the Federal Witness Security Program* (May 16, 2013). Copy supplied.

Public Summary: Department of Justice's Response to the Office of the Inspector General's Draft Interim Audit Report entitled *Department of Justice's Handling of Known or Suspected Terrorists Admitted into the Federal Witness Security Program* (Apr. 19, 2013) (document dated May 6, 2013; publicly released on May 16, 2013). Copy supplied.

United States Department of Justice's Scientific and Research Integrity Policy (draft published Apr. 3, 2012; final published Aug. 1, 2013). Copy supplied.

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

April 13, 2021: Panelist, "Diversity and Professional Development Topics for Latino Lawyers in the Washington DC Legal Market," co-sponsored by the District of Columbia Bar Association and the Hispanic Bar Association of the District of Columbia (Virtual Appearance). I participated in a panel discussion on diversity and professional development for Latinx lawyers in the District of Columbia legal market. I have no notes, transcript, or recording. The address for the District of Columbia Bar Association is 901 4th Street, Northwest, Washington, District of Columbia 20001.

October 2, 2019: Panelist, "Catching Bad Guys," Capital One Risk Summit, Chantilly, Virginia. I participated in a panel discussion addressing recent trends in internal and external financial fraud in the financial services industry. I have no notes, transcript, or recording. The address for Capital One Financial Corporation is 1680 Capital One Drive, McLean, Virginia 22102.

February 27, 2020, September 2019 [date unknown], September 2017 [date unknown], September 28, 2015, February 2014 [date unknown]: Guest Speaker, "Law and Lawyering in the Nation's Capital: Main Justice and Legal Policy Making," University of California Law School, Washington, District of Columbia. I addressed law students about policy making and my career in public

service and, in 2019 and 2020, my transition to the private sector. Syllabus supplied for the September 28, 2015 class. I have no other notes, transcripts, or recordings. The address for the University of California-Washington Center is 1608 Rhode Island Avenue, Northwest, Washington, District of Columbia 20036.

September 10, 2019: Panelist, "Latinos in Leadership," Capital One Legal Department Hispanic Heritage Month Observation Program, Richmond, Virginia. I participated in a panel discussion about the experience of being Latinx in corporate America. I have no notes, transcript, or recording. The address for Capital One West Creek is 15075 Capital One Drive, Richmond, Virginia 23238.

November 2018 [date unknown]: Guest Speaker, "Federal Government Lawyering," Columbia Law School, Washington, District of Columbia. I addressed law students about policymaking and my career in public service and transition to the private sector. I have no notes, transcript, or recording. The address for the University of California-Washington Center is 1608 Rhode Island Avenue, Northwest, Washington, District of Columbia 20036.

November 18, 2016: Speaker, "Integrity in Public Office," 11th National Biennial Institute for Newly Elected Officials, National Harbor, Maryland, hosted by the National Association of Latino Elected and Appointed Officials (NALEO) Education Fund. Speech supplied.

October 14, 2014: Keynote Speaker, "Hispanics: A Legacy of History, a Present of Action, and a Future of Success," United States Department of Justice Hispanic Heritage Month Observance Program and Celebration, Washington, District of Columbia. Speech and press coverage supplied.

April 18, 2013: Panelist, "Representing Clients before Congress," Edward Bennett Williams Inn of Court, Washington, District of Columbia. I participated in a panel discussion about Congressional hearings and investigations. I have no notes, transcript, or recording. The Edward Bennett Williams Inn of Court is hosted at the United States District Court for the District of Columbia, 333 Constitution Avenue, Northwest, Washington, District of Columbia 20001

April 2011 [date unknown]: Keynote Speaker, Samuel J. Heyman Public Service Lecture, Seton Hall University School of Law, Newark, New Jersey. I spoke to law students and faculty about my career in public service. I have no notes, transcript, or recording, but press coverage is supplied. The address for Seton Hall University School of Law is One Newark Center, Newark, New Jersey 07102.

October 27, 1999: Panelist, "From *Haggar* to *Hitachi*, Customs at the Crossroads," 7th Annual Conference on Recent Trends in Customs Law, Customs Lawyers Association, Washington, District of Columbia. Position Paper supplied.

September 2000 and September 1998 [dates unknown]: Speaker, Conference on

Recent Developments in Military Law, United States Air Force Office of the Judge Advocate General, Arlington, Virginia. I addressed members of the United States Air Force Office of the Judge Advocate General on recent developments in Military Law in the United States Court of Federal Claims. I have no notes, transcript, or recording. The address for the United States Air Force Office of the Judge Advocate General is in North Arlington, Virginia [street address unknown]

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

Charlie Savage, *Justice Dept. Lost Track of Terrorists, Report Says*, N.Y. Times, May 16, 2013. Copy supplied.

Throughout my career with the United States Department of Justice, both in the Civil and Criminal Divisions, I drafted a number of press releases issued by the Department's Office of Public Affairs in connection with the civil cases I litigated, the criminal cases I prosecuted, and the appellate cases I argued. I have provided all of those that I could locate, which also should be available at <https://www.justice.gov>, although it is possible that I may have missed some:

Press Release, *More Than \$40 Million Worth of Gold, Silver and Jewelry Forfeited in International Money Laundering Case: Ten Tons of Assets Forfeited in Black Market Peso Exchange Investigation*, U.S. Dep't of Just., Apr. 12, 2010. Copy supplied.

Press Release, *Former Department of Labor Chief of Staff Pleads Guilty for Failing to Report Gifts from Former Lobbyist Jack Abramoff*, U.S. Dep't of Just. Federal Bureau of Investigation, Apr. 7, 2010. Copy supplied.

Press Release, *Former Congressional Chief of Staff Sentenced for Honest Services Fraud Conspiracy*, U.S. Dep't of Just., July 30, 2009. Copy supplied.

Press Release, *Fourth Person Pleads Guilty to Illegally Accessing Confidential Passport Files*, U.S. Dep't of Just., July 10, 2009. Copy supplied.

Press Release, *Former Social Worker Sentenced for Role in Scheme to Defraud Department of Veterans Affairs and Obstructing Justice*, U.S. Dep't of Just., June 29, 2009. Copy supplied.

Press Release, *Former State Department Employee Sentenced for Illegally Accessing Confidential Passport Files*, U.S. Dep't of Just., Mar. 23, 2009.

Copy supplied.

Press Release, *Third Individual Pleads Guilty to Illegally Accessing Confidential Passport Files*, U.S. Dep't of Just., Jan. 27, 2009. Copy supplied.

Press Release, *Two Virgin Islands Commissioners Sentenced in \$1.4 Million Bribery and Kickback Scheme*, U.S. Dep't of Just., Aug. 14, 2008. Copy supplied.

Press Release, *Two Virgin Islands Commissioners Convicted in \$1.4 Million Bribery and Kickback Scheme*, U.S. Dep't of Just., Feb. 28, 2008. Copy supplied.

Press Release, *Former Congressional Chief of Staff Pleads Guilty to Honest Services Fraud Conspiracy*, U.S. Dep't of Just., Dec. 7, 2007. Copy supplied.

Press Release, *Former Government Official Sentenced in \$1.4 Million Virgin Islands Bribery Scandal*, U.S. Dep't of Just., May 3, 2007. Copy supplied.

Press Release, *Former Government Official Is Third to Plead Guilty in \$1.4 Million Virgin Islands Bribery Scandal*, U.S. Dep't of Just., Sept. 26, 2006. Copy supplied.

Press Release, *Two Plead Guilty In \$1.4 Million Virgin Islands Bribery Scandal*, U.S. Dep't of Just., July 12, 2006. Copy supplied.

Press Release, *Former Justice Department Attorney Pleads Guilty to Criminal Conflict of Interest Charge*, U.S. Dep't of Just., June 14, 2006. Copy supplied.

Press Release, *Chinese National Pleads Guilty to Fraudulently Obtaining US. Citizenship: Defendant Agrees To Cooperate In Ongoing Investigation Into \$500 Million Bank Of China Embezzlement*, U.S. Dep't of Just., Apr. 26, 2005. Copy supplied.

Press Release, *Virgin Islands Senator Indicted on Fraud and Theft Charges*, U.S. Dep't of Just., Aug. 13, 2004. Copy supplied.

Press Release, *Former FBI Biologist Pleads Guilty to Filing False DNA Laboratory Reports*, U.S. Dep't of Just., May 18, 2004. Copy supplied.

Press Release, *Defendant Sentenced on Charges of Perjury, Obstruction of Investigation of Theft from San Juan Aids Institute*, U.S. Dep't of Just.,

Oct. 16, 2003. Copy supplied.

Alumni Profile, Seton Hall Law Magazine, Vol. 1 at 10–11 (Oct. 1999). Copy supplied.

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

I have not held any judicial office.

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

- i. Of these cases, approximately what percent were:

jury trials: _____ %
bench trials: _____ % [total 100%]

- ii. Of these cases, approximately what percent were:

civil proceedings: _____ %
criminal proceedings: _____ % [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not served as a judge.

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

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

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

None.

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

the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None.

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

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

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

From 1992 to 1994, I served as a law clerk to the Honorable Garrett E. Brown, Jr., of the United States District Court for the District of New Jersey.

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

I have not practiced law alone.

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

1994 – 2001

United States Department of Justice
Civil Division, Commercial Litigation Branch
1100 L Street, Northwest, 12th Floor
Washington, District of Columbia 20530
Trial Attorney

2001 – 2002

United States Department of Justice
Criminal Division, Asset Forfeiture and Money Laundering Section
Bond Building, 2nd Floor
1400 New York Avenue, Northwest
Washington, District of Columbia 20530
Trial Attorney

2002 – 2010

United States Department of Justice
Criminal Division, Public Integrity Section
Bond Building, 12th Floor
1400 New York Avenue, Northwest
Washington, District of Columbia 20530

Trial Attorney

2010 – 2017

United States Department of Justice
Office of the Deputy Attorney General
950 Pennsylvania Avenue, Northwest, 4th Floor
Washington, District of Columbia 20530
Associate Deputy Attorney General (2014 – 2017)
Senior Counsel to the Deputy Attorney General (2010 – 2014)

2017 – 2018

United States Department of Justice
United States Marshals Service
Office of General Counsel
1215 South Clark Street
Arlington, Virginia 22202
Associate General Counsel

2018 – present

Capital One Financial Corporation
1680 Capital One Drive
McLean, Virginia 22102
Vice President, Ethics and Investigations

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

I have not served as a mediator or arbitrator.

b. Describe:

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

My law practice has involved a mix of civil and criminal and trial and appellate court litigation in federal courts throughout the United States. I also have served as a senior advisor to several Deputy Attorneys General. I currently serve as the Accountable Executive for Capital One's ethics program and internal investigations.

Following my federal district court clerkship, I joined the United States Department of Justice through the Attorney General's Honors Program. During my 24-year tenure, I served as a civil litigator, a criminal prosecutor, an appellate advocate, and a manager and senior policy advisor.

From 1994 to 2001, I served as a Trial Attorney in the Civil Division's Commercial Litigation Branch, during which I litigated over 100 cases before the United States Court of Federal Claims, and I briefed and argued more than 50 appeals before the United States Court of Appeals for the Federal Circuit. The cases I handled involved civil lawsuits filed against the United States and various federal agencies involving government contracts, military pay, civilian personnel law, veterans' benefits, international trade, and constitutional, statutory, and regulatory challenges to federal agency actions. I also filed and litigated fraud counterclaims and special pleas in fraud.

From August 2001 to July 2010, I served as a Trial Attorney in the Criminal Division, first in the Asset Forfeiture and Money Laundering Section (August 2001 to July 2002) and then the Public Integrity Section (2002 to 2010). During my time in the Criminal Division, I directed more than 50 criminal investigations and led prosecutions involving money laundering, public corruption, and fraud, and briefed and argued appeals before the United States Courts of Appeals for the First, Second, Third, Fifth, and Eleventh Circuits. The criminal charges I prosecuted involved: bribery and kickbacks; honest services mail and wire fraud; theft of federal funds; conspiracy; conflicts of interest; obstruction of justice; perjury; making false statements; tax evasion; money laundering; structuring currency transactions; and unauthorized computer access. I also litigated criminal forfeiture issues and petitions for writs of habeas corpus. I appeared before federal courts across the country, worked with and supervised attorneys and law enforcement agents nationwide, and worked with foreign governments in joint investigations.

From 2010 to 2017, I served in the Office of the Deputy Attorney General as a Senior Counsel to the Deputy Attorney General and then an Associate Deputy Attorney General. During this time, my in-court experience was limited to handling post-conviction proceedings in two cases I prosecuted during my tenure in the Criminal Division. Instead, my primary responsibilities included: advising the Deputy Attorney General on a range of legal, legislative, and policy issues relating to criminal justice and law enforcement; providing leadership and oversight to, among other components, the United States Marshals Service, INTERPOL Washington, Drug Enforcement Administration, Bureau of Alcohol, Tobacco, Firearms and Explosives, United States Parole Commission, Criminal Division, Tax Division, Office of Justice Programs, United States Trustee Program, and Access to Justice Initiative; chairing and serving on a number of intra- and interagency task forces and working groups; and briefing Administration Officials and members of Congress and their staffs.

From 2017 to 2018, I served as an Associate General Counsel in the

United States Marshals Service. During this time, I advised the Marshals Service's Director and General Counsel on legal, ethical, contractual, legislative, and policy issues relating to law enforcement and agency operations. I also investigated agent misconduct and coordinated the agency's litigation positions.

Since 2018, I have served as Vice President, Ethics and Investigations, for Capital One Financial Corporation, a federally regulated financial services company. In this role, I serve as the Accountable Executive for the administration of the company's Code of Conduct, Ethics Office and enterprise ethics program, and internal investigations into allegations of fraud and business misconduct.

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

During my tenure as an attorney for the United States Department of Justice (1994 to 2018), my client was, broadly speaking, the United States. In my current role at Capital One Financial Corporation, my client is the financial services company.

- 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.

From 1994 through 2010, while serving as a Trial Attorney in the Civil Division and then the Criminal Division of the United States Department of Justice, my practice was exclusively in litigation and my court appearances were frequent. While serving in the Office of the Deputy Attorney General from 2010 to 2017, my practice focused on management, oversight, policy, and legislative matters, and my court appearances were infrequent. Between 2017 and 2018, while serving in the United States Marshals Service Office of General Counsel, my practice was evenly split between litigation and counseling; I did not appear in court. In my current position at Capital One Financial Corporation, my role is in Compliance rather than the Legal Department; I do not litigate or appear in court.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 99%
- 2. state courts of record: ____%
- 3. other courts: ____%
- 4. administrative agencies: 1%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 50%
- 2. criminal proceedings: 50%

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

Between 1994 and 2001, while in the Civil Division of the United States Department of Justice, I tried eight cases to judgment, all as lead counsel for the United States. During that time, I also litigated a significant number of cases to final judgment as lead counsel for the United States, through filing and arguing of dispositive motions.

From 2001 through 2010, while in the Criminal Division of the United States Department of Justice, I tried five cases to verdict, four as lead counsel for the United States and one as second chair. During that time, I also negotiated dozens of guilty pleas as lead counsel for the United States.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 40% |
| 2. non-jury: | 60% |

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

I have not served as counsel of record or personally argued any case before the Supreme Court of the United States. I participated in drafting five briefs in opposition to petitions for writs of certiorari handled by the United States Department of Justice Office of the Solicitor General:

Griffin v. Secretary of Veterans Affairs, 537 U.S. 947 (2002) (brief in opposition, 2002 WL 32135715) (cert. denied)

Small v. United States and *Neptune v. United States*, 528 U.S. 821 (1999) (consolidated brief in opposition, 1999 WL 33641058) (cert. denied)

Porter v. United States, 528 U.S. 809 (1999) (brief in opposition, 1999 WL 33641211) (cert. denied)

Bestfoods v. United States, 528 U.S. 810 (1999) (brief in opposition, 1999 WL 33641299) (cert. denied)

Routen v. West, 525 U.S. 962 (1998) (brief in opposition) (cert. denied). Copy supplied.

17. **Litigation**: Describe the ten (10) most significant litigated matters which you personally

handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

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

1. *United States v. Griles*, No. 7-079 (D.D.C.) (Judge Huvelle)

Between 2006 and 2010, I served as lead counsel for the United States in the criminal investigations and prosecutions of several individuals involved in illicit dealings with former lobbyist Jack A. Abramoff, including the former Deputy Secretary of the United States Department of the Interior, Mr. Griles. On March 23, 2007, Mr. Griles pleaded guilty in the United States District Court for the District of Columbia to obstructing a United States Senate investigation into the Abramoff lobbying scandal. The former Deputy Secretary was sentenced to ten months in prison, followed by three years of supervised release, ordered to perform 100 hours of community service, and fined \$30,000.

In this matter, I led the criminal investigation, conducted extensive grand jury proceedings, engaged in plea negotiations, represented the United States during the plea hearing, prepared the United States' sentencing memoranda, and presented oral argument at the sentencing hearing.

Co-counsel

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2. *GBQC Architects v. United States*, No. 98-399C (Fed. Cl.) (Judge Miller)

Between April 1998 and September 1999, I served as lead counsel for the United States and the Smithsonian Institution in a lawsuit filed in the United States Court of Federal Claims by the architecture firm hired to design the National Museum of the American Indian on the National Mall in Washington, District of Columbia. The architecture firm was challenging its termination for default and seeking reinstatement and \$2 million in damages. In exchange for converting the termination for default into a termination for convenience, the architecture firm voluntarily dismissed its complaint and agreed to pay nearly \$500,000 to the Smithsonian Institution in re-procurement costs. On September 28, 1999 – the day the lawsuit was dismissed – the formal groundbreaking ceremony for the National Museum of the American Indian was held on the National Mall.

In this matter, I briefed and argued a motion for partial dismissal, proposed a government counterclaim, conducted discovery, and represented the government in mediation conducted by the presiding judge.

Opposing Counsel

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3. *United States v. Plaskett*, Crim. No. 2007-60, 2008 WL 3833838 (D.V.I. Aug. 13, 2008) (Chief Judge Gomez), *aff'd*, 355 F. App'x 639, 2009 WL 4643819 (3d Cir. Dec. 2, 2009) (Circuit Judges McKee, Fuentes, and Nygaard), *cert. denied*, 130 S. Ct. 3398 and 131 S. Ct. 614 (2010).

Between 2007 and 2012, I served as lead counsel for the United States and the government of the United States Virgin Islands in the criminal investigations and prosecutions of a number of high-ranking Virgin Islands government officials and businessmen. The defendants were involved in a \$1.4 million government contract

bribery and kickback scheme and a subsequent scheme to obstruct a joint federal/local task force investigation and a federal grand jury investigation. Prior to trial, four defendants pleaded guilty. In February 2008, following a three-week jury trial in the United States District Court of the Virgin Islands, two members of the governor's cabinet were convicted on bribery and obstruction of justice charges. The defendants were sentenced to prison terms of nine years and seven years and ordered to pay more than \$1 million in restitution. The United States Court of Appeals for the Third Circuit affirmed the convictions and sentences. The Supreme Court of the United States denied the petitions for writs of certiorari.

In each of these matters, I directed the criminal investigations, conducted grand jury proceedings, engaged in plea negotiations, represented the United States during the plea hearings, drafted and argued pre- and post-trial motions, first-chaired the trial, prepared the United States' sentencing memoranda, presented oral argument at the sentencing hearings, drafted the United States' consolidated appellate brief to the Third Circuit (decided without oral argument), drafted the United States' responses to the petitions for habeas corpus relief, and first-chaired the habeas corpus hearing.

Co-counsel

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Clive Rivers, Esq. (defendant Brewley)
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4. *Small v. United States*, 36 Fed. Cl. 43 (1996) (Judge Wiese), *as amended*, 37 Fed. Cl. 149 (1997) (same), *aff'd*, 158 F.3d 576 (Fed. Cir. 1998) (Judges Plager, Clevenger, and Gajarsa), *as amended*, 180 F.3d 1343 (Fed. Cir.) (same), *cert. denied*, 528 U.S. 821 (1999); *Roane v. United States*, 36 Fed. Cl. 168 (1996) (Judge Hodges), *rev'd*, 231 F.3d 1348 (Fed. Cir. 2000) (Judges Plager and Gajarsa and Senior Judge Archer), *as amended*, 237 F.3d 1352 (Fed. Cir. 2001) (same); *Neptune v. United States*, 38

Fed. Cl. 510 (1997) (Judge Tidwell), *aff'd*, 178 F.3d 1306 (Fed. Cir. 1998) (table) (Judges Plager, Clevenger, and Gajarsa), *cert. denied*, 528 U.S. 821 (1999); *Fluellen v. United States*, 44 Fed. Cl. 97 (1999) (Judge Hewitt), *aff'd*, 225 F.3d 128 (Fed. Cir. 2000) (Judges Newman and Lourie and Senior Judge Archer); *Curtis v. Peters*, 107 F. Supp. 2d 1 (D.D.C. 2000) (Judge Friedman).

Between 1995 and 2001, I served as lead counsel for the United States and the United States Air Force in a series of cases filed in the United States Court of Federal Claims and the United States District Court for the District of Columbia challenging, among other things, the Air Force's statutory and regulatory authority to use review panels in conducting officer promotion boards. Following contrary opinions simultaneously issued by the Court of Federal Claims, the United States Court of Appeals for the Federal Circuit affirmed the Air Force's long-standing practice. The Supreme Court of the United States denied the petitions for writs of certiorari.

In each of these matters, I briefed and argued cross-motions for summary judgment in the Court of Federal Claims and District of Columbia District Court and briefed and argued the above-cited appeals in the Federal Circuit. I also drafted the United States' brief in opposition to the petitions for writs of certiorari for the Office of the Solicitor General in the *Small* and *Neptune* cases.

Opposing Counsel

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5. *Bestfoods v. United States*, 165 F.3d 1371 (Fed. Cir.) (Circuit Judges Newman, Schall, and Bryson), *cert. denied*, 528 U.S. 810 (1999); *Bestfoods v. United States*, 260 F.3d 1320 (Fed. Cir. 2001) (Circuit Judges Newman and Bryson and Senior Circuit Judge Archer).

Between 1998 and 2001, I served as lead counsel for the United States and the United States Department of the Treasury in two affirmative appeals from the United States Court of International Trade. Both appeals involved the authority vested in the Secretary of the Treasury to implement and administer the 1994 North American Free Trade Agreement (NAFTA) as it pertained to the country of origin marking requirements of the Tariff Act of 1930. In the first appeal, the United States Court of Appeals for the Federal Circuit held that the Secretary acted lawfully in promulgating regulations applying a rule-

oriented tariff-shift method (rather than the traditional case-by-case adjudicatory approach) to determine whether goods imported from NAFTA countries are “substantially transformed” in the United States and, thus, exempted from the country of origin marking requirements of the Tariff Act of 1930. The Supreme Court of the United States denied the petition for a writ of certiorari. In the second appeal, following remand, the Federal Circuit held that the Secretary acted lawfully in withholding a de minimis exception under the federal marking statute for most agricultural products.

In this matter, I drafted the government’s appellate briefs, argued both appeals before the Federal Circuit, and prepared the draft brief in opposition to the petition for a writ of certiorari.

Opposing Counsel

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6. *AU Duong Quy (a/k/a “Lost Army Commandos”) v. United States*, No. 95-309C (Fed. Cl.) (Judge Margolis); *Mattes v. Witschonke*, Civ. No. 98-1907-SH (S.D. Fla. Nov. 4, 1998) (Judge Highsmith), *rev’d Mattes v. Chairman, Vietnamese Commandos Compensation Comm’n*, 173 F.3d 817 (11th Cir. 1999) (per curiam) (Circuit Judge Marcus, Senior Circuit Judge Hill, and District Judge Adams).

Between 1997 and 2000, I served as lead counsel for the United States and the United States Department of Defense in a breach of contract action filed by nearly 300 individuals identified as the “Lost Army Commandos” in the United States Court of Federal Claims. The complaint alleged the Central Intelligence Agency (CIA) agreed to pay each plaintiff (*i.e.*, South Vietnamese nationals) \$2,000 per year to conduct covert intelligence missions inside North Vietnam in the 1950s and 1960s. The plaintiffs were purportedly captured and interned for up to 25 years and, under the terms of the alleged covert contract, sought \$50,000 each in damages. While this action was pending, Congress passed the Commandos Compensation Act of 1996, Pub. L. No. 104-201 § 657, 110 Stat. 2422,2584 (1996), which, among other things: established the Vietnamese Commandos Compensation Commission (VCCC) within the Department of Defense to adjudicate and remit payment to legitimate claims submitted within a specified period of time; statutorily capped attorney fees at 10 percent; and precluded judicial review of any decision rendered by the VCCC. In February 2000, upon the government’s motion, and demonstration that the VCCC had been established and was timely processing claims, the Court of Federal Claims dismissed the action with prejudice.

In the interim, in March 1998, the Department of Defense was notified by the Federal Bureau of Investigation that an attorney representing the majority of the Vietnamese claimants was retaining attorney fees in excess of the statutory cap imposed by Congress. When efforts to resolve the issue failed, the United States notified the attorney that the

VCCC would begin remitting payments directly to his clients. The attorney filed suit in the United States District Court for the Southern District of Florida seeking declaratory judgment as to the appropriateness of his attorney fees and a writ of mandamus to prevent the VCCC from disbursing funds directly to his clients. Following an expedited bench trial conducted in October 1998, the district court granted the attorney's requests for relief, concluding that the Act did not preclude such preexisting fee arrangements. On the government's appeal, the United States Court of Appeals for the Eleventh Circuit held that the district court erred in exercising jurisdiction over the matter in contrast to Congress' express "No Right to Judicial Review" provision in the Commandos Compensation Act. The Eleventh Circuit remanded the case with instructions to vacate all orders entered.

As lead counsel for the United States in the litigation filed in both the Court of Federal Claims and the Southern District of Florida, I drafted the government's pleadings, motions, and pre-and post-trial briefs; presented oral argument before both trial courts; counseled the VCCC; first-chaired the district court trial; and assisted in drafting the government's appellate brief filed in the Eleventh Circuit.

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7. *Griffin v. Secretary of Veterans Affairs*, 288 F.3d 1309 (Fed. Cir. 2002) (Circuit Judges Clevenger and Dyk and Senior Circuit Judge Archer), *cert. denied*, 537 U.S. 947 (2002).

Between 2001 and 2002, I served as lead counsel for the United States and the Department of Veterans Affairs (VA) in a First Amendment facial challenge to a VA regulation governing the display of flags in 119 national veterans' cemeteries. In an original jurisdiction lawsuit filed in the United States Court of Appeals for the Federal Circuit, the Sons of Confederate Veterans organization challenged the VA's denial of

their request to amend or waive the regulation to permit the daily display of a large Confederate flag at a national cemetery where the remains of Confederate soldiers were buried. Under the VA regulation, the Confederate flag can be flown in national veterans' cemeteries on Memorial Day and Confederate Memorial Day (in states where that holiday is observed) and to mark individual gravesites. The VA regulation states that only the American flag and the National League of Families POW/MIA flag may be on permanent display. The Federal Circuit held that the VA regulation does not violate the First Amendment on its face, notwithstanding the discretion vested in government officials to grant or deny exceptions to the regulation. The Supreme Court of the United States denied the petition for a writ of certiorari.

In this matter, I drafted the government's appellate brief and argued the case before the Federal Circuit.

Opposing counsel

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8. *United States v. Janowsky*, 133 F.3d 888 (Fed. Cir. 1998) (Chief Judge Mayer, Senior Circuit Judge Archer, and Circuit Judge Lourie); *United States v. Janowsky*, No. 90-3846C (Fed. Cl. Aug. 25, 1998) (Judge Turner).

Between 1997 and 1998, I served as lead counsel for the United States and the Federal Bureau of Investigation (FBI) in a decade-old, multi-million-dollar breach of contract and Fifth Amendment Takings Clause lawsuit filed in the United States Court of Federal Claims by a former cooperative witness and his wife. In exchange for their cooperation and the use of their business in a public corruption and organized crime investigation, the plaintiffs alleged that the FBI agreed to purchase or at least guarantee the sale of their business. The plaintiffs argued in the alternative that the FBI effectively took their business without just compensation. The Court of Federal Claims twice dismissed the complaint on the government's filing of successive dispositive motions. Following the second reversal, the case was remanded for trial. At the conclusion of the bench trial, the Court of Federal Claims granted the United States' motion for a directed verdict and awarded costs to the government. A third appeal was not filed.

In this matter, I argued the second appeal before the Federal Circuit and first-chaired the trial before the Court of Federal Claims on remand.

Co-counsel

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9. *Vereda, Ltda. v. United States*, 41 Fed. Cl. 495 (1998), *vacated in part*, 46 Fed. Cl. 12 (1999), *amended*, 46 Fed. Cl. 569 (2000) (Judge Smith), *pet'n for interlocutory appeal granted*, 250 F.3d 2000 (Fed. Cir. 2000) (table) (Circuit Judges Rader, Gajarsa, and Linn), *rev'd*, 271 F.3d 1367 (Fed. Cir. 2001) (Circuit Judges Clevenger, Schall, and Dyk)

Between 1998 and 2001, I served as lead counsel for the United States and the Drug Enforcement Administration (DEA) in a case filed in the United States Court of Federal Claims involving the criminal seizure and administrative forfeiture of an airplane used in narcotics trafficking. Seeking to collaterally challenge the actions taken by the DEA and to recover money damages, the mortgagee of the aircraft, who claimed an innocent ownership interest, asserted that the forfeiture amounted to an illegal exaction, a taking of property without just compensation in violation of the Fifth Amendment, and an excessive fine in violation of the Eighth Amendment. The Court of Federal Claims twice granted-in-part and denied-in-part the government's motions to dismiss, holding that the court had jurisdiction to consider the merits of the Takings Clause claim. After granting the government's petition for an interlocutory appeal, the United States Court of Appeals for the Federal Circuit reversed the trial court's jurisdictional ruling and remanded the case with instructions to enter judgment in favor of the United States.

In this matter, I drafted and filed with the Court of Federal Claims the government's motion for reconsideration, as well as the motion to certify the jurisdictional issue for interlocutory appeal and to stay further proceedings. I also drafted and filed with the Federal Circuit the government's petition for interlocutory appeal and, once granted, the government's merits briefs. I argued the appeal before the Federal Circuit.

Opposing Counsel

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10. *United States v. Speed Joyeros, S.A.*, No. 00-CR-960-JBW (E.D.N.Y.) (Judge Weinstein); *United States v. Hebroni*, No. 02-1106, 37 F. App'x 549 (2d Cir. Mar. 13, 2002) (Circuit Judges Leval, Calabresi, and Cabranes); *United States v. Speed Joyeros, S.A.*, 204 F. Supp. 2d 412 (E.D.N.Y. 2002) (Judge Weinstein)

Between 2001 and 2002, I served on the prosecution team that led to the first United States indictment and convictions of offshore businesses engaged in the illicit black-market peso exchange – a money laundering operation through which narcotics proceeds generated in the United States were exchanged for Colombian pesos and then used to purchase goods in the Colon Free Zone of Panama. The defendants owned and operated two wholesale jewelry businesses in Panama used by Colombian narcotics traffickers to launder United States currency. On March 20, 2002, on the eve of trial, the owner of the two businesses, Ms. Hebroni, and her two companies pleaded guilty to conspiracy to commit money laundering in the United States District Court for the Eastern District of New York. Ms. Hebroni was sentenced to 27 months in prison, followed by three years supervised release, the forfeiture of her businesses, and fined \$200,000. In total, over \$40 million in jewelry was seized by and forfeited to the United States from the Panamanian businesses.

In this matter, I assisted in the investigation and trial preparation, drafted pretrial motions, participated in the plea negotiations, assisted in the drafting of the government's sentencing memoranda, and participated in the sentencing hearing.

Co-counsel

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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not

involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

During my tenure in the United States Department of Justice Office of the Deputy Attorney General, I advised several Deputy Attorneys General on a number of issues, made policy judgments and recommendations, oversaw certain Department components, served on a number of Department and interagency task forces and working groups, reviewed proposed legislation, and provided briefings to members of Congress and Administration officials and their staff. For example, between 2012 and 2013, I served as a United States representative on the INTERPOL Evolving Fund Working Group which explored whether the international law enforcement organization could (and should) accept private funding to better perform its core mission of information sharing. During this time, I was also responsible for establishing and staffing the National Commission on Forensic Science to improve the confidence and reliability of forensic science in the criminal justice system. In late 2016 and early 2017, I represented the Justice Department in discussions with Administration Officials of President Obama and President Trump, respectively, regarding the federal government's response in connection with the Dakota Access Pipeline protests. In early 2017, in that same role, I represented the Justice Department in discussions with White House and Administration officials concerning immigration, the White House Opioid Task Force, and the Department of Veterans Affairs Telehealth Services program.

I have never performed any lobbying activities or registered as a lobbyist.

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

1996 – 1998: While employed by the United States Department of Justice, I served as an Adjunct Professor of Law at The George Washington University Law School. I taught legal research and writing and appellate advocacy to first-year law students. I am unable to locate a copy of the syllabus.

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

I currently hold Capital One Stock (vested and unvested) and participate in Capital One's Deferred Compensation Program. If confirmed, I will divest these interests in accordance

with applicable laws and my employment contract.

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

I have no plans, commitments, or agreements to pursue outside employment during service with the court if I am confirmed.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

My wife serves as the Deputy Chief Administrative Patent Judge, Patent Trial and Appeal Board, at the United States Patent and Trademark Office (USPTO). Although unlikely, it is possible that a patent at issue in a dispute filed in the United States Court of Federal Claims under 28 U.S.C. § 1498 could be subject to collateral proceedings at the USPTO. If I am confirmed, and if that situation ever presents itself, either I or my wife (or both) immediately would self-recuse from the matter(s) to avoid any potential conflict of interest or the appearance of impropriety. I am unaware of any other individuals, family or otherwise, that are likely to present potential conflicts of interest.

If confirmed, I would recuse myself from all matters in which Capital One Financial Corporation is involved directly or indirectly for at least as long as I maintain a financial interest in the company as well as with regard to any matters in which I was involved during my employment. I similarly would recuse myself from all cases in which I was either directly or indirectly involved during my entire tenure at the United States Department of Justice. For matters in which I was not involved, or handled by the Department of Justice after my departure, I

would apply the standards of 28 U.S.C. § 455 and the Code of Conduct for United States Judges, as well as any other pertinent principles of judicial ethics, to determine whether to recuse myself from other matters.

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

If confirmed, I would consult applicable rules, canons, and decisions addressing conflicts of interest, including 28 U.S.C. § 455 and the Code of Conduct for United States Judges, and any other materials addressing conflicts of interest and appearances of conflicts of interest. Based on that consultation, I would compile a comprehensive list of matters for easy flagging of potential conflicts of interest. In close cases, I would consult other judges and any persons designated by the court or judicial organizations to provide advice on such questions as they arise.

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

During my tenure with the United States Department of Justice, my pro bono activities were restricted; still, I was afforded a number of opportunities to serve the disadvantaged. In 2011, for example, while serving in the Office of the Deputy Attorney General, I was responsible for overseeing the final development and public roll-out of law enforcement tools designed to raise awareness, help train, and foster a coordinated response between law enforcement, first responders, medical professionals, teachers, and members of the community who come in contact with the estimated nine million children in the United States who live in households where a parent or other adult abuses, manufactures, or distributes illicit drugs.

I currently serve on the Board of Directors of So Others Might Eat (SOME), a non-profit organization whose mission is to help Washington, DC's vulnerable population break the cycle of homelessness through comprehensive and transformative services. During the past five years, in addition to SOME, I volunteered with my family to assist the following community and local charitable organizations: A Wider Circle (Silver Spring, Maryland); Capital Area Food Bank (Washington, District of Columbia); Catholic Relief Services (Washington, District of Columbia); Greg Gannon Canned Food Drive (Washington, District of Columbia); and Martha's Table (Washington, District of Columbia).

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so,

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

On February 5, 2013, I submitted a letter to the White House Counsel's Office expressing my interest in serving as a Judge on the United States Court of Federal Claims. In late August 2013, an official from the White House Counsel's Office contacted me to discuss my interest. Beginning on September 4, 2013, and continuing through late 2016, I was in contact with officials from the Office of Legal Policy at the Department of Justice.

On May 21, 2014, President Obama nominated me to serve as a Judge on the United States Court of Federal Claims. On September 18, 2014, following my July 24, 2014 Confirmation Hearing, the United States Senate Committee on the Judiciary reported my nomination. On December 17, 2014, my nomination was returned to the President. I was re-nominated on January 7, 2015, and the Senate Judiciary Committee again reported my nomination on February 26, 2015. My nomination expired on January 3, 2017.

On May 21, 2021, an official from the White House Counsel's Office contacted me to discuss my interest in a re-nomination to serve as a Judge on the United States Court of Federal Claims. On May 22, 2021, I interviewed with attorneys from the White House Counsel's Office. Since May 23, 2021, I have been in contact with officials from the Office of Legal Policy at the United States Department of Justice. On July 13, 2021, my nomination was submitted to the Senate.

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

No.