UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

   Paul Adam Engelmayer

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

   United States District Judge for the Southern District of New York.

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.

   Wilmer Cutler Pickering Hale and Dorr
   399 Park Avenue
   New York, New York 10022

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

   1961; 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.

   1984 – 1987, Harvard Law School; J.D. (*magna cum laude*), 1987
   1979 – 1983, Harvard College; B.A. (*summa cum laude*), 1983

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.

   2000 – Present
   Wilmer Cutler Pickering Hale and Dorr
   399 Park Avenue
   New York, New York 10022
   Partner (2000 – Present)
   Partner-in-Charge of New York Office (2005 – Present)

1996 – 2000
United States Attorney's Office for the Southern District of New York
One Saint Andrew's Plaza
New York, New York 10007
Chief, Major Crimes Unit

1994 – 1996
Office of the Solicitor General of the United States
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20036
Assistant to the Solicitor General

1989 – 1994
United States Attorney's Office for the Southern District of New York
One Saint Andrew's Plaza
New York, New York 10007
Deputy Chief Appellate Attorney (1994)
Assistant United States Attorney (1989 – 1994)

1988 – 1989
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543
Law Clerk to the Honorable Thurgood Marshall

1987 – 1988
United States Court of Appeals for the District of Columbia Circuit
333 Constitution Avenue, N.W.
Washington, D.C. 20001
Law Clerk to the Honorable Patricia M. Wald

Summer 1987
Paul Weiss Rifkind Wharton & Garrison
1285 Avenue of the Americas
New York, New York 10019
Summer Associate

Summer 1986
Cravath, Swaine & Moore
Worldwide Plaza
825 Eighth Avenue
New York, New York 10019
Summer Associate

Summer 1985
Kirkland & Ellis
655 Fifteenth Street, N.W.
Washington, D.C. 20005
Summer Associate

1983 – 1984
The Wall Street Journal
200 Liberty Street
New York, New York 10281
Staff Reporter (Philadelphia Bureau)

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

   I have not served in the military. I have registered for selective service.

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.

   Selected for inclusion in *The Best Lawyers in America* (2005-2011)

   Selected by AbovetheLaw.com as a Top Partner to Work For (2010)

   Selected for inclusion in *The LawDragon: Leading Lawyers in America* (2010)

   Selected for inclusion in *Benchmark Litigation* (2010).

   Recognized in *Chambers USA: America's Leading Lawyers for Business*, as a leader in litigation/white-collar defense (2007-2010)

   Listed in *Super Lawyers* (2006-2010)

   Recipient, "Amicus Curiae" Award from the National Association of Criminal Defense Lawyers for my brief in *Leocal v. Ashcroft* (2004)

   Recipient, Chief Postal Inspector's Special Award, in connection with prosecution of *United States v. Lawrence X. Cusack* (1999)

   Recipient, United States Department of Justice Director's Award for Superior Performance (1998)

Recipient, Federal Deposit Insurance Corporation, Office of Inspector General, Award for "Outstanding Prosecution" in *United States v. William Duker* (1997)

Recipient, United States Customs Service Award, in recognition for "outstanding leadership and successful efforts relating to the investigation and prosecution of The Spy Factory, Inc., et al" (1997)

Recipient, United States Department of Labor, Office of Inspector General, Award, for "aggressive prosecution of fraud and corruption in federal labor programs, 1990-1994" (1994)

Recipient, New York City Department of Investigation Award for Outstanding Contribution, in connection with "the successful operation and prosecution of 'Operation Tightrope,' 1991-1994" (1994)

Recipient, Joint Award from Federal Bureau of Investigation (Public Corruption Unit) and Internal Revenue Service (Criminal Investigation Division), in connection with prosecution of "corrupt court-appointed attorneys" (1993)

Finalist, Ames Moot Court Competition, Harvard Law School, and Best Oralist in the semifinal round (1986)

Member, Phi Beta Kappa, Harvard College (elected junior year) (1982)

Winner, Bonaparte Prize in Government, Harvard College (1982) (highest cumulative grades in the department, freshman through junior years)

Winner, Detur Prize, Harvard College (1980) (freshman year academic performance)

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.

American Bar Association
District of Columbia Bar
Federal Bar Council
New York City Bar
    Judiciary Committee (2001 – 2002)
Supreme Court Historical Society

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 York, 1988

District of Columbia, 1990

There have been no lapses in membership.

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

Supreme Court of the United States, 1994
United States Court of Appeals for the Second Circuit, 1991
United States Court of Appeals for the Third Circuit, 2002
United States Court of Appeals for the Fifth Circuit, 2005
United States Court of Appeals for the Ninth Circuit, 2010
United States Court of Appeals for the Eleventh Circuit, 2002
United States Court of Appeals for the District of Columbia Circuit, 2001
United States District Court for the Southern District of New York, 1994
United States District Court for the Eastern District of New York, 2003

There have been no lapses in membership.

11. **Memberships**:

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

Member, Advisory Board of the Bronx Lab School (Bronx Lab is an innovative public high school that is a member of the New York City Board of Education's "Small Schools Initiative") (approximately 2007 – Present)

Member, Dinner Committee, Brennan Center for Justice annual fundraiser (approximately 2006 – Present)

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.

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

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

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

The following list is complete, to be the best of my knowledge, based on my recollection and thorough searches of my files and electronic databases.

"A Fresh Take on the New Deal Which Makes the 100 Days Come to Life" (February 4, 2009) (Amazon book review of NEW YORK TIMES editorial page writer Adam Cohen's book, "Nothing to Fear"). Copy supplied.

"A Riveting and Meticulously Researched Account of the Colfax Massacre and its Legal Aftermath" (March 23, 2008) (Amazon book review of WASHINGTON POST reporter Charles Lane's book, "The Day Freedom Died"). Copy supplied.

"Proving Bribery Isn't Easy," THE WALL STREET JOURNAL (March 2, 2001). Copy supplied.

Note, "The Modification of Consent Decrees in Institutional Reform Litigation," 99 HARV. L. REV. 1020 (March 1986) (unsigned student law review note). Copy supplied.

"New Dean," THE HARVARD CRIMSON (September 20, 1985) (letter to the editor, written with Jeffrey Toobin). Copy supplied.

"Island Off Virginia Is So Remote It Has Its Own Language," THE WALL STREET JOURNAL (July 17, 1984). Copy supplied.

"ARA Attempts Revival Using A High Profile," THE WALL STREET JOURNAL (June 8, 1984). Copy supplied.

"Guess Which Ex-Interior Secretary Describes New Clients as 'Losers,'" THE WALL STREET JOURNAL (May 4, 1984). Copy supplied.

"Retailer Agrees To Be Acquired For $220 Million," THE WALL STREET JOURNAL (May 1, 1984). Copy supplied.

"A 28-Year-Old Is Said To Be Heir To Top Job In Philadelphia Mafia," THE WALL STREET JOURNAL (April 19, 1984). Copy supplied.

"Bloom Is Off Rose As Effort To Package Ballplayer Lags," THE WALL STREET JOURNAL (April 12, 1984). Copy supplied.

"Campbell Plans To Drop Its Tin Soup Can, Reflecting New Emphasis On Convenience," THE WALL STREET JOURNAL (March 28, 1984). Copy supplied.

"Big-Brother-Is-Listening Dept.: Device May Detect Thieves, Liars," THE WALL STREET JOURNAL (March 21, 1984). Copy supplied.

"Paper Concerns' 'Super Trees' Promise Greater Productivity," THE WALL STREET JOURNAL (March 9, 1984). Copy supplied.

"Infiltrating Dogfight and Cockfight Rings Take Guile and Guts," THE WALL STREET JOURNAL (March 2, 1984). Copy supplied.

"The Capital Crowd Is Set On Its Ear By This Rug-Chewing Ball Of Fur," THE WALL STREET JOURNAL (February 9, 1984). Copy supplied.

"Cemetery Companies Aggressively Market Burial Plots As Costs Soar And Business Falls," THE WALL STREET JOURNAL (January 24, 1984). Copy supplied.

"Unimed High Hope For Marinol Drug Nears FDA Hurdle," THE WALL STREET JOURNAL (January 5, 1984). Copy supplied.

"While You Toast The Start of 1984, Some Are Plotting Millennium Bash," THE WALL STREET JOURNAL (December 30, 1983). Copy supplied.

"New Jersey, Resorts, Agree On Rail Line For Atlantic City," THE WALL STREET JOURNAL (December 29, 1983). Copy supplied.

"Developer Of Festival Marketplaces Sets Up Foundation To Renovate Inner-City Homes," THE WALL STREET JOURNAL (December 29, 1983). Copy supplied.

"After-Hours Police Use Walking A Beat As A Change Of Pace," THE WALL STREET JOURNAL (December 21, 1983). Copy supplied.

"Black & Decker Agrees To Acquire A GE Operation," THE WALL STREET JOURNAL (December 19, 1983). Copy supplied.

"The Annapolis Mess: It's No Fun Feeding Future Admirals," THE WALL STREET JOURNAL (December 14, 1983). Copy supplied.

"At These Homes, A For-Sale Sign Will Talk To You For Three Minutes," THE WALL STREET JOURNAL (December 5, 1983). Copy supplied.

"Campus Crime: Violence By Students, From Rape To Racism, Raises College Worries," THE WALL STREET JOURNAL (November 21, 1983). Copy supplied.

"Pennsylvania Resort Area Debates Placing Slot Machines, Video Blackjack In Hotels," THE WALL STREET JOURNAL (November 17, 1983). Copy supplied.

"Interracial Politics: Roy A. West, Richmond's Black Mayor, Is Facing Major Problems Because Most Blacks Dislike Him," THE WALL STREET JOURNAL (November 2, 1983). Copy supplied.

"Directors Vote 11-1 To Fire Philadelphia Suburban President," THE WALL STREET JOURNAL (October 27, 1983). Copy supplied.

"After Aggressive Expansion, James River Debates Ability To Maintain Rate Of Growth," THE WALL STREET JOURNAL (October 21, 1983). Copy supplied.

"Food Concerns Rush To Serve More Quality Frozen Dinners," THE WALL STREET JOURNAL (October 20, 1983). Copy supplied.

"Scott Paper's Major Energy-Saving Plan Is Latest Effort To Help Company Compete," THE WALL STREET JOURNAL (October 18, 1983). Copy supplied.

"Safety Prompts Computer Use In Drugstores," THE WALL STREET JOURNAL (September 28, 1983). Copy supplied.

"Before You Discard That Soda Can, You Might Look For This Machine," THE WALL STREET JOURNAL (September 7, 1983). Copy supplied.

"Scott Paper Plans to Shed Some Operations," THE WALL STREET JOURNAL (August 24, 1983). Copy supplied.

"Scott Paper Expected To Announce Plans To Shed Some Operations In Bid To Streamline Business," THE WALL STREET JOURNAL (August 22, 1983) (Heard on the Street column). Copy supplied.

"Worked Owned And Operated Supermarket Yields Financial Success, Personal Rewards," THE WALL STREET JOURNAL (August 18, 1983). Copy supplied.

"'Short Shorts' and Other Garments Are A Fashion Risk In Fort Lee, Virginia," THE WALL STREET JOURNAL (August 10, 1983). Copy supplied.

"If George Flick Can Get $25,000, He Might Win The War On Fish Slime," THE WALL STREET JOURNAL (August 5, 1983). Copy supplied.

"Brascan Seeks To Lift Stake In Scott Paper To 50% From 23.7%, Altering '81 Accord," THE WALL STREET JOURNAL (July 26, 1983). Copy supplied.

"Campbell Soup Image On Line In Union Fight," THE WALL STREET JOURNAL (July 21, 1983). Copy supplied.

"Passing Out The Bucks," THE HARVARD CRIMSON (June 9, 1983). Copy supplied.

"Christopher Forman: Scholar Opts For Business," THE HARVARD CRIMSON (June 9, 1983). Copy supplied.

"Rosovsky Announces Plans To Resign Next June – Search For Successor," THE HARVARD CRIMSON (May 18, 1983). Copy supplied.

"Nukes Without Illusions," THE HARVARD CRIMSON (May 6, 1983). Copy supplied.

"How Not To Beat Reagan," THE HARVARD CRIMSON (April 23, 1983). Copy supplied.

"Statesman," THE HARVARD CRIMSON (April 22, 1983). Copy supplied.

"Reject ROTC, Not Its Friends," THE HARVARD CRIMSON (co-signer of plurality editorial) (April 11, 1983). Copy supplied.

"Jeane's Example," THE HARVARD CRIMSON (co-signer of dissenting editorial) (April 9, 1983). Copy supplied.

"Roar Of The Greasepaint," THE HARVARD CRIMSON (February 23, 1983). Copy supplied.

"A Terrible Thing To Waste," THE HARVARD CRIMSON (January 28, 1983). Copy supplied.

"Back On The Trail," THE HARVARD CRIMSON (January 13, 1983). Copy supplied.

"Students Plan To Picket Controversial Law Class," THE HARVARD CRIMSON (January 3, 1983). Copy supplied.

"Harvard Ex-Veep: Man With A Heart," THE HARVARD CRIMSON (January 3, 1983). Copy supplied.

"Overseers Eye Faculty Hiring," THE HARVARD CRIMSON (December 17, 1982). Copy supplied.

"Harvard Ties Hinder New President," THE HARVARD CRIMSON (December 1, 1982). Copy supplied.

"Carter And The Politics Of Faith," THE HARVARD CRIMSON (November 12, 1982). Copy supplied.

"Of Wimps And Toughs," THE HARVARD CRIMSON (November 2, 1982). Copy supplied.

"The Same Old Song," THE HARVARD CRIMSON (October 22, 1982). Copy supplied.

"Carter's Maligned Mastermind," THE HARVARD CRIMSON (October 19, 1982). Copy supplied.

"A Carter Apologist," THE HARVARD CRIMSON (October 19, 1982). Copy supplied.

"Labor Board Settles Case For Harvard," THE HARVARD CRIMSON (October 15, 1982). Copy supplied.

"The Veepstakes: Daniel Steiner: Bok's Troubleshooter," THE HARVARD CRIMSON (October 12, 1982). Copy supplied.

"Ground Zero At Lowell," THE HARVARD CRIMSON (October 12, 1982). Copy supplied.

"Bok Raps Boycott Tactic Used By Law Students," THE HARVARD CRIMSON (October 8, 1982). Copy supplied.

"Bok Taps Steiner As Vice President," THE HARVARD CRIMSON (October 7, 1982). Copy supplied.

"An Incentive To Gab," THE HARVARD CRIMSON (October 5, 1982). Copy supplied.

"$5 Million To Spare? Harvard May Have A Library For You?," THE HARVARD CRIMSON (October 5, 1982). Copy supplied.

"Sound And Fury," THE HARVARD CRIMSON (September 28, 1982). Copy supplied.

"No Return," THE HARVARD CRIMSON (September 24, 1982). Copy supplied.

"Professor Won't Drop Palimony Suit," THE HARVARD CRIMSON (September 21, 1982). Copy supplied.

"Bad News For Women," THE HARVARD CRIMSON (September 21, 1982). Copy supplied.

"Philly Bistro's Links to Mob Hurt Image But Not Patronage," THE WALL STREET JOURNAL (September 20, 1982). Copy supplied.

"Professor Will Drop Suit If Defendant Fathers Child," THE HARVARD CRIMSON (September 17, 1982). Copy supplied.

"Professor Brings Suit For Palimony," THE HARVARD CRIMSON (September 16, 1982). Copy supplied.

"The Commodore: John H. Parry, 1914-1982," THE HARVARD CRIMSON (September 13, 1982). Copy supplied.

"Schools Out Forever," THE HARVARD CRIMSON (September 13, 1982). Copy supplied.

"The Unhappy Aftermath of One City's School Strikes," THE WALL STREET JOURNAL (September 1, 1982). Copy supplied.

"To Survive Hard Times, More City Dwellers Plant Vegetable Gardens Amid Tenements," THE WALL STREET JOURNAL (August 25, 1982). Copy supplied.

"For Some, Rotten Old Crab Shells Are The Political Issue Of The Year," THE WALL STREET JOURNAL (August 20, 1982). Copy supplied.

"An Embarrassing Shortage of Tenants," THE WALL STREET JOURNAL (August 18, 1982). Copy supplied.

"Stranger In A Strange House," THE HARVARD CRIMSON (August 13, 1982). Copy supplied.

"Dershowitz On The Stand," THE HARVARD CRIMSON (July 30, 1982). Copy supplied.

"This Summer's Must Celebration: The Martin Van Buren Bicentennial," THE WALL STREET JOURNAL (July 29, 1982). Copy supplied.

"U.S. Mushroom Growers Getting Mauled By Flood of Low-Cost Imports From China," THE WALL STREET JOURNAL (July 23, 1982). Copy supplied.

"Vaccine To Prevent Most Tooth Decay May Be Ready In 1990," THE WALL STREET JOURNAL (July 20, 1982). Copy supplied.

"A Jaded Journeyman," THE HARVARD CRIMSON (July 13, 1982). Copy supplied.

"Moral Majority Finds A Way To Fill Its Coffers Off The Devil's Sabotage," THE WALL STREET JOURNAL (July 6, 1982). Copy supplied.

"Another Look At Hinckley," THE HARVARD CRIMSON (June 29, 1982). Copy supplied.

"A Tough Guy In University Hall 4," THE HARVARD CRIMSON (June 10, 1982). Copy supplied.

"To Close The Gaps," THE HARVARD CRIMSON (May 28, 1982). Copy supplied.

"Police Plan Arraignment Of Scalise," THE HARVARD CRIMSON (May 28, 1982). Copy supplied.

"House Disparities May Lead College To Reassess Lottery," THE HARVARD CRIMSON (May 26, 1982). Copy supplied.

"Seniors Plan Protest To Back Nuclear Freeze," THE HARVARD CRIMSON (May 24, 1982). Copy supplied.

"Finley, 'Immortal' Scholar, To Speak At Commencement," THE HARVARD CRIMSON (May 21, 1982). Copy supplied.

"A Fortnight To Remember," THE HARVARD CRIMSON (May 12, 1982). Copy supplied.

"Terminals In Houses Raise Privacy Issue," THE HARVARD CRIMSON (May 7, 1982). Copy supplied.

"A Question Of Tolerance," THE HARVARD CRIMSON (May 3, 1982). Copy supplied.

"A Question Of Propriety," THE HARVARD CRIMSON (April 20, 1982). Copy supplied.

"An Equivocal Statement," THE HARVARD CRIMSON (April 17, 1982). Copy supplied.

"Reagan's Balancing Act," THE HARVARD CRIMSON (April 12, 1982). Copy supplied.

"George The Third," THE HARVARD CRIMSON (April 9, 1982). Copy supplied.

"Turning The Law On Its Head," THE HARVARD CRIMSON (March 15, 1982). Copy supplied.

"Rosovsky and Deans Plan Visit To China For Summer," THE HARVARD CRIMSON (March 15, 1982). Copy supplied.

"When Two Lives Collide," THE HARVARD CRIMSON (March 10, 1982). Copy supplied.

"Law Student Found Dead In Apartment," THE HARVARD CRIMSON (March 10, 1982). Copy supplied.

"Matina And The Jets," THE HARVARD CRIMSON (February 20, 1982). Copy supplied.

"Houses Divided," *The Harvard Crimson* (February 8, 1982). Copy supplied.

"Horner Lobbied For Sale Of Planes To Saudi Arabia," THE HARVARD CRIMSON (February 4, 1982). Copy supplied.

"Study Finds Disparities Among Houses," THE HARVARD CRIMSON (January 22, 1982). Copy supplied.

"Faculty Age Of Retirement Rises To 70," THE HARVARD CRIMSON (January 14, 1982). Copy supplied.

"Back In The Saddle," THE HARVARD CRIMSON (January 4, 1982). Copy supplied.

"Some Faculty See Obstacles To Effecting Pre-Registration," THE HARVARD CRIMSON (December 16, 1981). Copy supplied.

"A Critique," THE HARVARD CRIMSON (December 12, 1981). Copy supplied.

"Council Weighs Pre-Registration Plans," THE HARVARD CRIMSON (December 10, 1981). Copy supplied.

"Albany Judge Dismisses Charges Against Estis," THE HARVARD CRIMSON (December 9, 1981). Copy supplied.

"New WEAL Brief Criticizes K-School," THE HARVARD CRIMSON (December 7, 1981). Copy supplied.

"A Pleasant Surprise," THE HARVARD CRIMSON (December 5, 1981). Copy supplied.

"CUE Inaugurates Review Of Rules On Study Abroad," THE HARVARD CRIMSON (December 3, 1981). Copy supplied.

"An Untenable Proposition," THE HARVARD CRIMSON (December 3, 1981). Copy supplied.

"Graham Appointed Dean Of Ed School," THE HARVARD CRIMSON (December 1, 1981). Copy supplied.

"Harvard Ties Hinder Mexican Leader," THE HARVARD CRIMSON (November 30, 1981). Copy supplied.

"Committee To Advise Sociology Dept.," THE HARVARD CRIMSON (November 19, 1981). Copy supplied.

"Core Nearing Goal For Total Courses," THE HARVARD CRIMSON (November 17, 1981). Copy supplied.

"Loeb Grant To Fund Junior Professors," THE HARVARD CRIMSON (November 16, 1981). Copy supplied.

"Professors In Soc Anal 12 To Take Leave," THE HARVARD CRIMSON (November 14, 1981). Copy supplied.

"Hiring Investigation Finds Deficiencies," THE HARVARD CRIMSON (November 14, 1981). Copy supplied.

"Decisions, Decisions," THE HARVARD CRIMSON (November 14, 1981). Copy supplied.

"Nothin' But A Party," THE HARVARD CRIMSON (November 12, 1981). Copy supplied.

"Grade Slump Sends More To Ad Board," THE HARVARD CRIMSON (November 12, 1981). Copy supplied.

"Bio Split, Conflicts Policy Win Approval Of Faculty," THE HARVARD CRIMSON (November 11, 1981). Copy supplied.

"Professors Criticize Constitution Planks," THE HARVARD CRIMSON (November 10, 1981). Copy supplied.

"Conflicts Policy, Biology Split Likely To Win Faculty Approval," THE HARVARD CRIMSON (November 10, 1981). Copy supplied.

"Report By Klitgaard Nears Completion," THE HARVARD CRIMSON (November 9, 1981). Copy supplied.

"Up And Up," THE HARVARD CRIMSON (November 7, 1981). Copy supplied.

"Dean Notes Surplus In Budget Message," THE HARVARD CRIMSON (November 7, 1981). Copy supplied.

"College Costs May Surpass $12,000; Officials Blame Energy, Salary Hikes," THE HARVARD CRIMSON (November 6, 1981). Copy supplied.

"Bok Urging Aid To Minorities," THE HARVARD CRIMSON (November 5, 1981). Copy supplied.

"Masters To Review Alcohol Regulations," THE HARVARD CRIMSON (November 4, 1981). Copy supplied.

"Alcohol Rules Draw Protest From Assembly," THE HARVARD CRIMSON (November 3, 1981). Copy supplied.

"College To Consider Early Registration," THE HARVARD CRIMSON (November 2, 1981). Copy supplied.

"Epps Cites Need To Obey Booze Rules," THE HARVARD CRIMSON (October 31, 1981). Copy supplied.

"Considering The Constitution," THE HARVARD CRIMSON (October 31, 1981). Copy supplied.

"Dean Plans New Report On Hiring," THE HARVARD CRIMSON (October 29, 1981). Copy supplied.

"Alcohol Rule Angers Q-House Students," THE HARVARD CRIMSON (October 28, 1981). Copy supplied.

"Joint Unit To Weigh Constitution Draft," THE HARVARD CRIMSON (October 27, 1981). Copy supplied.

"Computer Revolution Comes To Harvard," THE HARVARD CRIMSON (October 26, 1981). Copy supplied.

"Another Nobel," THE HARVARD CRIMSON (October 24, 1981). Copy supplied.

"$1M Repairs Planned For Chem Lab," THE HARVARD CRIMSON (October 24, 1981). Copy supplied.

"Student Unit To Confer On Soc Stud," THE HARVARD CRIMSON (October 23, 1981). Copy supplied.

"Faculty Council Members Cite Objections To New Constitution," THE HARVARD CRIMSON (October 22, 1981). Copy supplied.

"University To Renovate Sever," THE HARVARD CRIMSON (October 21, 1981). Copy supplied.

"Physics Professor Wins Nobel Prize," THE HARVARD CRIMSON (October 20, 1981). Copy supplied.

"Historian Will Testify In Voting Rights Dispute," THE HARVARD CRIMSON (October 19, 1981). Copy supplied.

"Estis Charged," THE HARVARD CRIMSON (October 19, 1981). Copy supplied.

"Going Their Separate Ways," THE HARVARD CRIMSON (October 17, 1981). Copy supplied.

"Faculty Council To Discuss Proposal For Constitution," THE HARVARD CRIMSON (October 16, 1981). Copy supplied.

"Bok's Undergraduate Legacy," THE HARVARD CRIMSON (October 16, 1981). Copy supplied.

"CUE Begins Study Of Academic Rules," THE HARVARD CRIMSON (October 15, 1981). Copy supplied.

"WEAL May Sue Department Of Labor," THE HARVARD CRIMSON (October 14, 1981). Copy supplied.

"Faculty Council Expected To Approve Split Of Biology Department Tomorrow," THE HARVARD CRIMSON (October 13, 1981). Copy supplied.

"Trying To Regain 'Civility'," THE HARVARD CRIMSON (October 10, 1981). Copy supplied.

"On The Cutting Edge," THE HARVARD CRIMSON (October 10, 1981). Copy supplied.

"Decision Due On Addition To K-School," THE HARVARD CRIMSON (October 10, 1981). Copy supplied.

"Cox Argues Before Supreme Court," THE HARVARD CRIMSON (October 9, 1981). Copy supplied.

"Soc Studs Organize," THE HARVARD CRIMSON (October 8, 1981). Copy supplied.

"Masters Reminded Of Rules On Alcohol," THE HARVARD CRIMSON (October 8, 1981). Copy supplied.

"A Fair Chance," THE HARVARD CRIMSON (co-signer of dissenting editorial). (October 7, 1981). Copy supplied.

"Bok Cites Concern Over Student Life," THE HARVARD CRIMSON (October 6, 1981). Copy supplied.

"Professors Say New Consulting Codes Will Increase Caution Among Faculty," THE HARVARD CRIMSON (October 5, 1981). Copy supplied.

"University Dedicates Biochem Building; Ceremony Marks Fairchild Opening," THE HARVARD CRIMSON (October 3, 1981). Copy supplied.

"University Dedicates Biochem Building; End Of An Odyssey," THE HARVARD CRIMSON (October 3, 1981). Copy supplied.

"Conflicts Of Interest," THE HARVARD CRIMSON (October 3, 1981). Copy supplied.

"Council OKs New Policy On Conflicts," THE HARVARD CRIMSON (October 1, 1981). Copy supplied.

"Protester Terms His Arrest Political," THE HARVARD CRIMSON (September 30, 1981). Copy supplied.

"Council Likely To Approve Conflicts Statement Today," THE HARVARD CRIMSON (September 30, 1981). Copy supplied.

"Behind Closed Doors," THE HARVARD CRIMSON (September 30, 1981). Copy supplied.

"Innovative Teaching," THE HARVARD CRIMSON (September 29, 1981). Copy supplied.

"Gov Department Searches," THE HARVARD CRIMSON (September 29, 1981). Copy supplied.

"Bott, Dunster House Master, To Take Sabbatical In Spring," THE HARVARD CRIMSON (September 29, 1981). Copy supplied.

"Glicklich To Resume Malpractice Fight," THE HARVARD CRIMSON (September 28, 1981). Copy supplied.

"Alumnus of K-School Selected As The Next President Of Mexico," THE HARVARD CRIMSON (September 26, 1981). Copy supplied.

"Homage To The Future," THE HARVARD CRIMSON (September 25, 1981). Copy supplied.

"Covering The National Drama," THE HARVARD CRIMSON (September 25, 1981). Copy supplied.

"Wall, Elected GSA President, Asks Non-Discrimination Policy," THE HARVARD CRIMSON (September 24, 1981). Copy supplied.

"Language Requirement May Increase," THE HARVARD CRIMSON (September 24, 1981). Copy supplied.

"New Bunting Institute Director Vows To Increase Fellowships For Women," THE HARVARD CRIMSON (September 23, 1981). Copy supplied.

"False Alarm Clears Mem Hall," THE HARVARD CRIMSON (September 22, 1981). Copy supplied.

"5000 Expected At Registration Today; Administration Revises Packet Policy," THE HARVARD CRIMSON (September 21, 1981). Copy supplied.

"Danger Zones," THE HARVARD CRIMSON (September 18, 1981). Copy supplied.

"Catalogue's Blank Spaces Irk Language Professors," THE HARVARD CRIMSON (September 18, 1981). Copy supplied.

"Harvard Assesses Its International Role; Klitgaard's Role," THE HARVARD CRIMSON (September 17, 1981). Copy supplied.

"Harvard Assesses Its International Role; Review Analyzes Activities Abroad," THE HARVARD CRIMSON (September 17, 1981). Copy supplied.

"Brattle St. Station Eyed As Site Of K-School Wing," THE HARVARD CRIMSON (September 14, 1981). Copy supplied.

"An Empty Room," THE HARVARD CRIMSON (September 14, 1981). Copy supplied.

"Life In The Long Lane," THE HARVARD CRIMSON (July 17, 1981). Copy supplied.

"Slow Motion On A Tenure Track," THE HARVARD CRIMSON (June 4, 1981). Copy supplied.

"Affirmative Action Hits Home…At the K-School," THE HARVARD CRIMSON (June 4, 1981). Copy supplied.

"Bound For Calcutta," THE HARVARD CRIMSON (June 4, 1981). Copy supplied.

"Athletes, Alumni Discuss Sports At Harvard," THE HARVARD CRIMSON (June 3, 1981). Copy supplied.

"History Department Tenures A Woman," THE HARVARD CRIMSON (June 2, 1981). Copy supplied.

"Council Condemns Harassment Of Gays," THE HARVARD CRIMSON (June 1, 1981). Copy supplied.

"Watson Will Speak At Commencement," THE HARVARD CRIMSON (May 22, 1981). Copy supplied.

"Landes Faces Stiff Challenges As Chairman Of Social Studies," THE HARVARD CRIMSON (May 22, 1981). Copy supplied.

"Decision-Making," THE HARVARD CRIMSON (May 22, 1981). Copy supplied.

"Council Denies GSA Request For Non-Discrimination Policy," THE HARVARD CRIMSON (May 15, 1981). Copy supplied.

"GSA Policy Draws Debate In Council," THE HARVARD CRIMSON (May 7, 1981). Copy supplied.

"Students Criticize Dowling Vote Delay," THE HARVARD CRIMSON (May 1, 1981). Copy supplied.

"Council Weighs GSA Proposal," THE HARVARD CRIMSON (April 30, 1981). Copy supplied.

"Yamani Urges Cooperation Between U.S. And OPEC," THE HARVARD CRIMSON (April 25, 1981). Copy supplied.

"Security Tight For Yamani Visit Today," THE HARVARD CRIMSON (April 24, 1981). Copy supplied.

"Council Tables Bill On Faculty Conflicts," THE HARVARD CRIMSON (April 23, 1981). Copy supplied.

"Neo-Conservative Group Calls For Non-Discrimination Policy," THE HARVARD CRIMSON (April 22, 1981). Copy supplied.

"Arab Sheik Will Speak Here Friday," THE HARVARD CRIMSON (April 21, 1981). Copy supplied.

"Dean's Report Discusses Fiscal Woes But Fails To Recommend New Cures," THE HARVARD CRIMSON (April 20, 1981). Copy supplied.

"Report By Rosovsky Examines Tenure," THE HARVARD CRIMSON (April 18, 1981). Copy supplied.

"Social Studies Faces Struggle To Uphold Academic Standards," THE HARVARD CRIMSON (April 17, 1981). Copy supplied.

"Committees Debate Dowling Proposal," THE HARVARD CRIMSON (April 16, 1981). Copy supplied.

"P&SR May Tenure Female Professor," THE HARVARD CRIMSON (April 15, 1981). Copy supplied.

"Lewis Receives Tenured Chair After Seven Years At Harvard," THE HARVARD CRIMSON (April 14, 1981). Copy supplied.

"Soc Stud May Have Problems Filling Junior Faculty Positions," THE HARVARD CRIMSON (April 13, 1981). Copy supplied.

"Council Continues Discussion Of Proposal On Faculty Duties," THE HARVARD CRIMSON (April 9, 1981). Copy supplied.

"Negotiations On Hiring Report Delayed," THE HARVARD CRIMSON (April 1, 1981). Copy supplied.

"Council Calls For Changes In Soc. Stud.," THE HARVARD CRIMSON (March 19, 1981). Copy supplied.

"Study Lauds Admissions At K-School," THE HARVARD CRIMSON (March 18, 1981). Copy supplied.

"Haven't Had Enough, Huh?," THE HARVARD CRIMSON (March 17, 1981). Copy supplied.

"A Possible First Step," THE HARVARD CRIMSON (co-signer of dissenting editorial) (March 17, 1981). Copy supplied.

"GSA Official To Ask Faculty Council To Adopt Non-Discrimination Policy," THE HARVARD CRIMSON (March 14, 1981). Copy supplied.

"Faculty Disagrees On Gomes Proposal," THE HARVARD CRIMSON (March 11, 1981). Copy supplied.

"A Respite From Politics – Former Senator John Culver: Thinking About The Future," THE HARVARD CRIMSON (March 9, 1981). Copy supplied.

"Not Good Enough," THE HARVARD CRIMSON (March 7, 1981). Copy supplied.

"Sheik Yamani May Address Ec. Seminar," THE HARVARD CRIMSON (March 6, 1981). Copy supplied.

"Faculty Council Weighs New Proposal Detailing Responsibilities Of Professors," THE HARVARD CRIMSON (March 5, 1981). Copy supplied.

"Harvard's Revolving Door – Six Former Faculty Members Look Back With Pleasure … And Pain," THE HARVARD CRIMSON (Sidebars On Catherin Auspitz and David Kaiser) (March 4, 1981). Copy supplied.

"Federal Study Cites Hiring 'Deficiencies'," THE HARVARD CRIMSON (March 3, 1981). Copy supplied.

"A Choice Between Two Futures," THE HARVARD CRIMSON (February 27, 1981). Copy supplied.

"Gomes Report Sent To Faculty After Debate In Faculty Council," THE HARVARD CRIMSON (February 26, 1981). Copy supplied.

"The Social Studies Manifesto," THE HARVARD CRIMSON (February 21, 1981). Copy supplied.

"Social Studies Instructors Laud Report On Program," THE HARVARD CRIMSON (February 20, 1981). Copy supplied.

"Landes Named Social Studies Head; Report Urges Concentration Changes," THE HARVARD CRIMSON (February 18, 1981). Copy supplied.

"The Policy Of The University?," THE HARVARD CRIMSON (February 14, 1981). Copy supplied.

"Faculty Gets Grading Studies," THE HARVARD CRIMSON (February 13, 1981). Copy supplied.

"CUE Hears Study On Make-Up Test," THE HARVARD CRIMSON (February 12, 1981). Copy supplied.

"Faculty Weighs Minority Study," THE HARVARD CRIMSON (February 11, 1981). Copy supplied.

"IOP's New Fellows Tell Of Their Political Roots," THE HARVARD CRIMSON (February 5, 1981). Copy supplied.

"Affirmative Progress," THE HARVARD CRIMSON (January 16, 1981). Copy supplied.

"K-School Students Win On Admissions," THE HARVARD CRIMSON (January 13, 1981). Copy supplied.

"K-School May Add Woman To Faculty," THE HARVARD CRIMSON (January 9, 1981). Copy supplied.

"Into The Energy Abyss," THE HARVARD CRIMSON (January 8, 1981). Copy supplied.

"Culver, Ousted From Senate, Accepts Fellowship At IOP," THE HARVARD CRIMSON (January 6, 1981). Copy supplied.

"Students, Faculty Cite Need For K-School To Eliminate Bias," THE HARVARD CRIMSON (December 17, 1980). Copy supplied.

"Group Seeks Change In K-School Policy," THE HARVARD CRIMSON (December 16, 1980). Copy supplied.

"48 Congressmen Arrive For K-School Conference," THE HARVARD CRIMSON (December 13, 1980). Copy supplied.

"Nye Book Suggests Plans To Cut Oil Vulnerability," THE HARVARD CRIMSON (December 12, 1980). Copy supplied.

"Anderson Assails Two-Party System, Calls Himself Uncertain On 1984 Race," THE HARVARD CRIMSON (December 8, 1980). Copy supplied.

"Campaign Managers, Anderson Highlight Conference At IOP," THE HARVARD CRIMSON (December 6, 1980). Copy supplied.

"Carter Aide May Become IOP Fellow," THE HARVARD CRIMSON (December 5, 1980). Copy supplied.

"Recruiter Describes CIA Posts To Kennedy School Students," THE HARVARD CRIMSON (December 3, 1980). Copy supplied.

"U.S. Agencies Give K-School Research Grant," THE HARVARD CRIMSON (December 1, 1980). Copy supplied.

"Professors Call 1984 Election Unpredictable, Say Outcome Hinges On Reagan's Success," THE HARVARD CRIMSON (November 22 1980). Copy supplied.

"Democrats Urged To Invigorate Policies," THE HARVARD CRIMSON (November 20, 1980). Copy supplied.

"Election Seen As Rejection Of Carter," THE HARVARD CRIMSON (November 17, 1980). Copy supplied.

"GOP Sweep Toughens Brown's Job," THE HARVARD CRIMSON (November 15, 1980). Copy supplied.

"Affirmative Pressures," THE HARVARD CRIMSON (November 15, 1980). Copy supplied.

"K-School Officials Defend Facts In Hiring Report," THE HARVARD CRIMSON (November 11, 1980). Copy supplied.

"K-School Cited For Inaccurate Report," THE HARVARD CRIMSON (November 10, 1980). Copy supplied.

"Students Ask Input In K-School Hiring," THE HARVARD CRIMSON (November 7, 1980). Copy supplied.

"The Trouble With Reform," THE HARVARD CRIMSON (November 3, 1980). Copy supplied.

"Don't Throw Away Your Vote," THE HARVARD CRIMSON (co-signer of dissenting editorial) (October 23, 1980). Copy supplied.

"A Great Leap Westward: Three Freshmen Contrast Harvard and China," THE HARVARD CRIMSON (October 22, 1980). Copy supplied.

"K-School Officials Dispute Allegations," THE HARVARD CRIMSON (October 20, 1980). Copy supplied.

"Not-So-Affirmative Actions," THE HARVARD CRIMSON (October 18, 1980). Copy supplied.

"Women's Group Registers Complaint Charging K-School With Discrimination," THE HARVARD CRIMSON (October 17, 1980). Copy supplied.

"Experts Disagree On Liberal Agenda," THE HARVARD CRIMSON (October 7, 1980). Copy supplied.

"'Advocates' Weigh Policy On Russia," THE HARVARD CRIMSON (October 2, 1980). Copy supplied.

"K-School Gets New Dean To Bolster Job Placement," THE HARVARD CRIMSON (October 1, 1980). Copy supplied.

"Seeing Sites," THE HARVARD CRIMSON (September 27, 1980). Copy supplied.

"Great Cities' Conference Concludes At IOP Session," THE HARVARD CRIMSON (September 27, 1980). Copy supplied.

"Solutions to Economic Woes Debated At 'Advocates' Taping," THE HARVARD CRIMSON (September 24, 1980). Copy supplied.

"Bloch Takes Long Route To Cambridge," THE HARVARD CRIMSON (September 22, 1980). Copy supplied.

"IOP Fellows Laud Political Activism," THE HARVARD CRIMSON (September 12, 1980). Copy supplied.

"Father's Facelift," THE HARVARD CRIMSON (September 10, 1980). Copy supplied.

"Grendel's Fights State Appeal In Quest For Liquor License," THE HARVARD CRIMSON (September 8, 1980). Copy supplied.

"State Senate Recommends South Africa Divestiture," THE HARVARD CRIMSON (May 2, 1980). Copy supplied.

"John Montgomery Named Government Dept. Head," THE HARVARD CRIMSON (April 29, 1980). Copy supplied.

"Corporation Abstains On S. Africa Sales," THE HARVARD CRIMSON (April 28, 1980). Copy supplied.

"A Major By Any Other Name – English," THE HARVARD CRIMSON (April 24, 1980). Copy supplied.

"Bush Beats Gov. Reagan in Pennsylvania Primary," THE HARVARD CRIMSON (April 23, 1980). Copy supplied.

"Wilson Speaks On Aftermath of '60s Turmoil," THE HARVARD CRIMSON (April 22, 1980). Copy supplied.

"Commencement," THE HARVARD CRIMSON (April 18, 1980). Copy supplied.

"Authorities Split On Boycott; Few Forecast Immediate Gains," THE HARVARD CRIMSON (April 14, 1980). Copy supplied.

"Most Seniors Purchasing Coop's Alternative Gowns -- 75 Per Cent Support Boycott," THE HARVARD CRIMSON (April 13, 1980). Copy supplied.

"Brown's Lewalski To Head History And Lit In 1982," THE HARVARD CRIMSON (April 11, 1980). Copy supplied.

"Carter Cuts Ties With Iran," THE HARVARD CRIMSON (April 8, 1980). Copy supplied.

"Assembly Discusses Concert, GLAD – Pousette-Dart," THE HARVARD CRIMSON (April 7, 1980). 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.

   I have not prepared or contributed to any such report.

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.

June 25, 2010: I signed a joint letter from former assistants to the Solicitor General and Deputy Solicitors General to the Senate Judiciary Committee in support of the nomination of Elena Kagan to be a Justice for the Supreme Court of the United States. I have been unable to obtain a copy of the letter.

September 13, 2002: I signed a letter to Senators Patrick J. Leahy and Orrin G. Hatch in support of the nomination of Miguel Estrada to be a Circuit Judge for the District of Columbia Circuit. 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.

January 13, 2011. Client education panel on effective defense strategies. Newark, New Jersey. Remarks and presentation materials supplied.

December 7, 2010. Training session for WilmerHale lawyers on application of attorney-client privilege and work-product doctrines to documents from an actual case. New York, New York. I have no notes, transcript, or recording, and presentation materials are privileged. The address of WilmerHale is 399 Park Avenue, New York, New York 10022.

July 15, 2010. Introduction, at training session for WilmerHale lawyers, of outside experts, who presented on the basics of derivatives and structured products. New York, New York. I have no notes, transcript, or record of my remarks. The address of WilmerHale is 399 Park Avenue, New York, New York 10022.

September 15, 2009. Deposition training workshop for WilmerHale attorneys. Washington, D.C. Materials supplied.

June 1, 2009. Speech to members of New York Office of WilmerHale, on occasion of the fifth anniversary of the merger between Wilmer Cutler & Pickering and Hale and Dorr. New York, New York. Remarks supplied.

March 10, 2009. Training session for WilmerHale lawyers on trial preparation and pretrial conferences. New York, New York. Materials supplied.

December 9, 2008. Training session for WilmerHale lawyers on sentencing advocacy for individuals. New York, New York. Materials supplied.

November 4, 2008. Street Law, Inc. Seminar for New York City public school history teachers about the process by which cases are taken and resolved by the Supreme Court of the United States. New York, New York. Topics include the certiorari process, merits briefing, the nature of oral argument, the Justices' post-argument conference, and the process by which majority and dissenting opinions are developed. I have no notes, transcript, or recording. The address for Street Law, Inc. is 1010 Wayne Avenue, Suite 870, Silver Spring, Maryland 20910.

October 30, 2008. Training session for WilmerHale lawyers on conducting witness interviews. New York, New York. I have no notes, transcript, or recording. While I do not have the materials for this session, I believe them to be substantially similar to those supplied below for same class given on February 26, 2008. The address of WilmerHale is 399 Park Avenue, New York, New York 10022.

October 21, 2008. Training session for WilmerHale lawyers on application of attorney-client privilege and work-product doctrines to documents from an actual client representation. New York, New York. I have no notes, transcript, or recording, and materials are privileged. The address of WilmerHale is 399 Park Avenue, New York, New York 10022.

February 26, 2008. Training session for WilmerHale lawyers on trial preparation and pretrial conferences. New York, New York. Materials supplied.

December 4, 2007. Training session for WilmerHale lawyers on conducting witness interviews. New York, New York. Materials supplied.

November 6, 2007. Street Law, Inc. Election Day seminar for New York City public school history teachers. New York, New York. Topics as described above for the November 4, 2008 seminar. I have no notes, transcript, or recording. The address for Street Law, Inc. is 1010 Wayne Avenue, Suite 870, Silver Spring, Maryland 20910.

October 18, 2007. Training session for WilmerHale lawyers on the attorney-client privilege and work-product doctrines. Washington, D.C. Outline supplied as well as WilmerHale's publication, "The Attorney-Client Privilege: A Practitioner's Guide," which I referenced in my presentation.

October 12, 2007. Training session for WilmerHale lawyers on the attorney-client privilege and work-product doctrines. New York, New York. I used the same materials supplied for the October 18, 2007 sessions.

March 20, 2007. Introduction of then-Senator Joseph R. Biden at a fundraising luncheon for his presidential campaign. New York, New York. Although I spoke without notes, the draft remarks I prepared in advance of the event are supplied.

March 2, 2007. Training session for WilmerHale lawyers on trial preparation and pretrial conferences. New York, New York. I have no notes, transcript, or recording. While I do not have the materials for this session, I believe them to be identical or virtually identical to those used for same classes given on March 10, 2009, and February 26, 2008. The address of WilmerHale is 399 Park Avenue, New York, New York 10022.

February 7, 2007. Introduction at client education panel on healthcare fraud enforcement against pharmaceutical and medical device manufacturers. New York, New York. I have no notes, transcript, or recording. The panel was held at the Harvard Club of New York City, 35 West 44th Street, New York, New York.

November 15, 2006. Panel discussion for WilmerHale lawyers on attorney-client privilege and work product doctrines. Washington, D.C. Materials supplied.

July 20, 2006. Commentator, evaluating associates' performances, at mock-trial competition for WilmerHale associates. New York, New York. I have no notes, transcript, or recording. The address of WilmerHale is 399 Park Avenue, New York, New York 10022.

June 15, 2006. Panel discussion for WilmerHale lawyers on settling securities matters. I have no notes, transcript, or recording, and the presentation materials are privileged. The address of WilmerHale is 399 Park Avenue, New York, New York 10022.

June 14, 2006. Client education panel on privilege waivers, parallel proceedings, and data preservation. Boston, Massachusetts. Materials supplied.

June 7, 2006. Panel discussion on privilege waivers, parallel proceedings, and data preservation. New York, New York. I used the same materials as those supplied for the June 14, 2006 panel.

March 28, 2006. Training session for WilmerHale lawyers on trial preparation and pretrial conferences. New York, New York. Materials supplied.

December 5, 2005. Commentator, evaluating associates' performances, at mock-trial competition for WilmerHale associates. New York, New York. I have no notes, transcript, or recording. The address of WilmerHale is 399 Park Avenue, New York, New York 10022.

November 8, 2005. Street Law, Inc. Election Day seminar for New York City public school history teachers. New York, New York. Topics as described above for the November 4, 2008 seminar. I have no notes, transcript, or recording. The address for Street Law, Inc. is 1010 Wayne Avenue, Suite 870, Silver Spring, Maryland 20910.

October 7, 2005. Training session for WilmerHale lawyers on legal writing pointers for litigators. New York, New York. Materials supplied.

July 25, 2005. Commentator, evaluating associates' performances, at mock-trial competition for WilmerHale associates. New York, New York. I have no notes, transcript, or recording. The address of WilmerHale is 399 Park Avenue, New York, New York 10022.

June 24, 2005. Deposition-training workshop for WilmerHale attorneys. New York, New York. I have no notes, transcript, or recording. While I do not have the materials for this session, I believe them to be substantially the same as for the deposition-training workshop held on September 15, 2009. The address of WilmerHale is 399 Park Avenue, New York, New York 10022.

June 10, 2005. Panel discussion for WilmerHale lawyers on "Crisis Management." Materials supplied.

March 15, 2005. Guest lecture on "Mail and Wire Fraud," Harvard Law School (guest lecture was for class on "Federal Criminal Law" taught by my U.S. Attorney's Office colleague Ira Feinberg, Esq.) Cambridge, Massachusetts. I have no notes, transcript, or recording. The address of Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

November 2, 2004. Election Day seminar for New York City public school history teachers. New York, New York. Topics as described above for the November 4, 2008 seminar. I have no notes, transcript, or recording. The address for Street Law, Inc. is 1010 Wayne Avenue, Suite 870, Silver Spring, Maryland 20910.

October 27, 2004. Guest speaker on appellate advocacy at then-United States Court of Appeals Judge Sonia Sotomayor's Columbia Law School class on appellate advocacy. New York, New York. I have no notes, transcript, or recording. The class was held in Judge Sotomayor's jury room. The address of Columbia Law School is 435 West 116th Street, Mail Code 4004, New York, New York 10027.

July 14, 2004. Deposition-training workshop for WilmerHale attorneys. New York, New York. Materials supplied.

October 16, 2003. Speech tribute to Hon. Patricia M. Wald on the occasion of the unveiling of Judge Wald's portrait, United States Court of Appeals for the District of Columbia Circuit, Washington, D.C. Remarks supplied.

May 17, 2003. Deposition-training workshop for WilmerHale attorneys. New York, New York. I have no notes, transcript, or recording. While I do not have the materials for this session, I believe them to be substantially the same as for the deposition-training workshop held on September 15, 2009. The address of WilmerHale is 399 Park Avenue, New York, New York 10022.

May 28, 2003. Training sessions for UBS Paine Webber legal and compliance personnel on the attorney-client privilege and work-product doctrine. Stamford, Connecticut. Materials supplied.

January 29, 2002. Training sessions for UBS Paine Webber legal and compliance personnel on conducting internal investigations. Stamford, Connecticut. I have no notes, transcript, or recording. The address of UBS Paine Webber is 750 Washington Boulevard, Stamford, CT 06901.

June 22, 2001. Deposition training workshop for WilmerHale attorneys. I have no notes, transcript, or recording. While I do not have the materials for this session, I believe them to be substantially the same as for the deposition-training workshop held on September 15, 2009. The address of WilmerHale is 1875 Pennsylvania Avenue, N.W. Washington, D.C. 20006.

January 10, 2001. Guest lecture on "Extortion and Bribery," Harvard Law School (guest lecture was for class on "Federal Criminal Law" taught by my U.S. Attorney's Office colleague Ira Feinberg, Esq.). Cambridge, Massachusetts. I have no notes, transcript, or recording. The address of Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

May 1, 2000. Association of the Bar of the City of New York panel, "Developing A Theory of Your Case And Its Preparation For Trial – The Plaintiffs' Perspective." New York, New York. Outline supplied.

April 25, 2000. Client education panel addressing developments relating to anti-money-laundering law and enforcement. New York, New York. I have no notes, transcript, or recording. The address of WilmerHale is 399 Park Avenue, New York, New York 10022.

November 17, 1999. Guest speaker on role of the government lawyer at then-United States Court of Appeals Judge Sonia Sotomayor's Columbia Law School class. New York, New York. I have no notes, transcript, or recording. The address of Columbia Law School is 435 West 116th Street, Mail Code 4004, New York, New York 10027.

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.

These articles and other materials are the ones I have been able to find based on a search of my personal records and electronic databases. I have not included articles that quoted statements I made in court or in publicly filed papers such as legal briefs.

Approx. May-June 2010: I gave one or two interviews discussing the nomination of then-Judge Sotomayor to be an Associate Justice of the Supreme Court. I do not recall the names of the reporters to whom I spoke, and to my knowledge, none of my quotes were ever published.

Press Release, "WilmerHale Hires Former New York State Executive Deputy Attorney General for Criminal Justice," WILMER, CUTLER & PICKERING (May 18, 2010). Copy supplied.

"Best Places To Work: #19 – WilmerHale," CRAIN'S NEW YORK BUSINESS (December 7, 2009). Copy supplied.

Chelsea L. Shover, "Solomon Amendment Met with Student Apathy," THE HARVARD CRIMSON (June 1, 2008). Copy supplied.

Alan Feuer and Benjamin Weiser, "Sure Hands At Helm For Spitzer's Legal Fight," THE NEW YORK TIMES (March 14, 2008). Copy supplied.

Michael Abramowitz and Dan Eggen, "Ex-Judge Is Said To Be Pick At Justice; Democrats Likely To Accept Him As Attorney General," THE WASHINGTON POST (September 17, 2007). Copy supplied.

Tricia Bishop, "Ex-Officer Of SafeNet Indicted In Stock Plot; Options Allegedly Re-Dated For Profit," THE BALTIMORE SUN (July 26, 2007) (quoted in other sources). Copy supplied.

Jason Horowitz, "Burkl'd: How Billionaire And Page Sixer Both Got Stung," THE NEW YORK OBSERVER (April 17, 2006). Copy supplied.

Thomas Adcock, "Moving Outside The Beltway," NEW YORK LAW JOURNAL (March 31, 2006). Copy supplied.

Stephanos Bibas and Richard A. Bierschbach, "Integrating Remorse And Apology Into Criminal Procedure, 114 YALE L.J. 85, at nn. 157, 245 (October 2004). Copy supplied.

Press Release, "Experienced Litigator Joins Wilmer, Cutler & Pickering," WILMER, CUTLER & PICKERING (January 5, 2004). Copy supplied.

David Montgomery, "A Man On Hold: While The Senate Debates, Judicial Nominee Miguel Estrada Waits. And Waits," THE WASHINGTON POST (March 14, 2003). Copy supplied.

Jan Crawford Greenburg, "From Humble Beginnings To Senate Storm," CHICAGO TRIBUNE (March 2, 2003). Copy supplied.

Charles Lane, "An Unlikely Law Bolsters Sniper Case Prosecution," THE WASHINGTON POST (October 31, 2002). Copy supplied.

Randal C. Archibold, "Investigation Into Commuting Of Sentences For Four Hasidim Raises Thorny Legal Issues," THE NEW YORK TIMES (March 23, 2001). Copy supplied.

"Interview with Paul A. Engelmayer," CORPORATE CRIME REPORTER (March 19, 2001). Copy supplied.

Susan Schmidt and Dan Eggen, "Pardons Probe Course A Mystery; Case Could Be Huge If N.Y. Prosecutor Pursues Aggressively," THE WASHINGTON POST (March 14, 2001). Copy supplied.

Susan Baer, "2 Justices In 'Swing' Position Hold Key; Kennedy, O'Connor 'Can Surprise You,'" THE BALTIMORE SUN (December 12, 2000). Copy supplied.

Charles Lane, "Historic – And Divisive; Bitter Dispute To Give Supreme Court Another Test Of Political, Legal Skills," THE WASHINGTON POST (December 9, 2000). Copy supplied.

Charles Lane and Serge Kovaleski, "Bush Legal Fight Faces Uncertain Future; Judge's Ruling Reflects Courts' Traditional Reluctance To Intervene In Elections," THE WASHINGTON POST (November 14, 2000).

Ilana DeBare, "Upstate N.Y. Takes on Big Apple in Football Finale," SACRAMENTO BEE (January 25, 1991). 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 served as a judge.

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

i. Of these, approximately what percent were:

jury trials:	___%
bench trials:	___%
civil proceedings:	___%
criminal proceedings:	___%

b. Provide citations for all opinions you have written, including concurrences and dissents.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

e. Provide a list of all cases in which certiorari was requested or granted.

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

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

I have not 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.

I have not held public office. I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

In 2007 and 2008, I served as a member of then-Senator Biden's New York Finance Committee during his presidential campaign. I hosted one fundraising event and attended a number of others in conjunction with this role, and subsequently participated in a number of fundraising events for the Obama-Biden general election campaign.

In January 2010, I served as one of a large number of co-hosts for a fundraising lunch for U.S. Senator Michael Bennet of Colorado.

Many years ago, I did limited volunteer campaign work for presidential candidates whom I supported, including Vice President Mondale in 1984, and Rep. Morris Udall in 1976.

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;

1987 – 1988; I served as a law clerk to The Honorable Patricia M. Wald, Chief Judge of the United States Court of Appeals for the District of Columbia Circuit.

1988 – 1989; I served as a law clerk to The Honorable Thurgood Marshall, Associate Justice of the United States Supreme Court.

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

I have never 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.

1989 – 1994
United States Attorney's Office for the Southern District of New York
One Saint Andrew's Plaza
New York, New York 10007
Deputy Chief Appellate Attorney (1994)
Assistant United States Attorney (1989 – 1994)

1994 – 1996
Office of the Solicitor General of the United States
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20036
Assistant to the Solicitor General

1996 – 1999
United States Attorney's Office for the Southern District of New York
One Saint Andrew's Plaza
New York, New York 10007
Chief, Major Crimes Unit

2000 – Present
Wilmer Cutler Pickering Hale and Dorr
399 Park Avenue
New York, New York 10022
Partner (2000 – Present)
Partner-in-Charge of New York Office (2005 – Present)

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

I have never served as a mediator or an arbitrator.

b. Describe:

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

In November 1989, I joined the United States Attorney's Office for the Southern District of New York, as an Assistant United States Attorney (AUSA). I served in the Office's Criminal Division. Following one year in the General Crimes Unit, I served for 3 ¼ years in the Public

Corruption Unit, investigating and prosecuting public officials or private parties based on their dealings with the public sector. I then served for seven months as Deputy Chief Appellate Attorney, where I served as a legal counselor to prosecutors in the Office, edited appellate briefs and other submissions, and mooted AUSAs in advance of appellate arguments.

In September 1994, I left the U.S. Attorney's Office to take a job as Assistant to the Solicitor General of the United States. I was responsible for briefing numerous cases, in areas involving, among others, admiralty law, labor law, Indian tax, the then-extant federal welfare statute, criminal procedure, the construction of a federal criminal statute, and the Fourth Amendment. In addition, because the Solicitor General has statutory responsibility for authorizing (or declining to authorize) appeals taken not only by the Justice Department but also by most federal departments and agencies, I was responsible for advising the Solicitor General on potential appeals covering a variety of areas of law.

In August 1996, I returned to the United States Attorney's Office for the Southern District of New York, this time as Chief of the Major Crimes Unit. I (along with a co-chief) headed up the Office's largest white-collar crime unit, which brought substantial cases in areas including financial-institutions fraud, computer crime, health-care fraud, and Internet crime. I also continued to try cases.

In January 2000, I joined the law firm of Wilmer Cutler & Pickering, as a partner, in the firm's New York office, which had recently opened. My practice at the firm has been a blend of white-collar criminal defense and internal investigations work, appellate work, civil litigation, securities enforcement, and pro bono work. In late 2001, I was named administrative partner for the New York Office. In June 2004, the firm merged with Boston-based Hale and Dorr, creating Wilmer Cutler Pickering Hale and Dorr (WilmerHale), and the two legacy firms' New York offices were combined that fall. In 2005, I was named Partner-in-Charge of the New York Office. The office today has approximately 170 lawyers. I have played an integral role in growing and managing the office and mentoring our young lawyers.

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

During my two tours of duty as a prosecutor, I represented the federal government exclusively in criminal prosecutions. I did both trial and appellate work.

At the Solicitor General's Office, I represented the federal government, exclusively handling appellate cases, covering, as noted, a wide range of areas of law.

At WilmerHale, my work falls into four broad categories: (1) I do a substantial amount of criminal defense and internal investigative/ advisory work, largely for corporate clients; I also represent individuals (often corporate executives or employees) in criminal cases or investigations. (2) I do a substantial amount of appellate work, largely in the areas of representing criminal defendants on appeal and pro bono immigration cases or cases in support of work of the Brennan Center for Justice. (3) I have a substantial civil litigation practice, focused on securities, financial institution, and complex commercial litigation, largely for corporate clients. And, (4) I do securities enforcement work, both for institutions and individuals.

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.

My practice as a prosecutor was exclusively a litigation practice. I appeared before numerous district judges in the Southern District of New York and before the United States Court of Appeals for the Second Circuit. My practice there consisted entirely of criminal work. In my first few years at the office (1989 – early 1994), I generally appeared in court at least once a week and often several times a week, whether handling arraignments, pretrial conferences or hearings. During trials, I appeared in court daily. After I became a supervisor at the United States Attorney's Office (February 1994 – August 1994, as deputy chief of appeals; and August 1996 – December 1999, as Chief of the Major Crimes Unit), my district court caseload (and therefore the pace of court appearances) diminished. However, I did handle several trials during this period; a several-day probation-violation hearing; occasional appeals; and I also appeared in court occasionally for hearings or conferences.

My practice at the Solicitor General's Office was exclusively a litigation practice. The only court before which I appeared was the United States Supreme Court. I argued four cases there.

My practice at WilmerHale, as described above, consists partly of true litigation work and partly of internal investigative work or work aimed at dissuading a prosecutor or regulator from bringing charges. I estimate that, over my 11-plus years at the firm, approximately 50% of my time has been spent on investigating allegations or defending investigations conducted by federal or state regulators, including the Department of Justice, the Securities and Exchange Commission, and the New York State Attorney General's

Office. Overall, I estimate that my caseload during my time at the firm has been about 50% criminal (including internal investigations) and 50% civil. I occasionally appear in court. My court appearances tend to consist of appearances in commercial or other civil litigation and appearances in the courts of appeals. For the most part, my practice has been in the federal courts, but I appear from time to time in New York state court, most notably a two-week trial in state supreme court (Westchester County) in 2009.

i. Indicate the percentage of your practice in:

1.	federal courts:	90%
2.	state courts of record:	5%
3.	other courts:	
4.	administrative agencies:	5%

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.

My trial experience as a prosecutor exclusively consisted of criminal cases tried to a jury. I recall seven jury trials in which I was either sole counsel (1) or chief counsel (6). In addition, I estimate that I second-chaired approximately six trials in which I actively counseled and assisted new AUSAs who were trying the cases, but in which they did the bulk of the trial work. I also handled or co-handled several trial-like hearings before judges. I have had one trial while at WilmerHale, involving a commercial dispute.

i. What percentage of these trials were:

1.	jury:	90%
2.	non-jury:	10%

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.

In response to this question, I have provided all briefing that I could locate through online research services and in my personal records. There may be additional briefing, particularly petitions for certiorari or oppositions to petitions for certiorari, to which I contributed but that I have been unable to identify or locate.

Between September 1994 and August 1996, I practiced in front of the Supreme Court, as a member of the Solicitor General's Office. During that time, I argued four cases before the Supreme Court, in each of which I had been the principal drafter of the Government's brief. These cases are listed below:

(1) *Anderson v. Edwards*, 514 U.S. 143 (1995) (construction of the Aid to Families With Dependent Children statute and regulations thereunder). Brief and transcript supplied.

(2) *Oklahoma Tax Commission v. Chickasaw Nation*, 515 U.S. 450 (1995) (March 27, 1995) (constitutionality of state's imposition of a motor fuels excise tax on fuel sold on tribal trust land, and of an income tax on tribal members employed by the tribe but residing outside of tribal land). Brief and transcript supplied.

(3) *Yamaha Motor Corp. v. Calhoun*, 516 U.S. 199 (1996) (tort remedies available in cases of fatalities of non-seamen occurring in territorial waters). Brief and transcript supplied.

(4) *Carlisle v. United States*, 517 U.S. 416 (1996) (authority of a federal district court to grant a motion for a judgment of acquittal filed outside the time limits prescribed by Fed. R. Crim. P. 29(c)). Brief and transcript supplied.

In addition, while at the Solicitor General's Office, I was the principal drafter of the Government's merits briefs in five other cases listed below:

(1) *Wilson v. Arkansas*, 514 U.S. 927 (1995) (whether and to what degree the common-law requirement that an officer "knock and announce" before entering a residence has been incorporated into the Fourth Amendment). Brief supplied.

(2) *National Labor Relations Board v. Town & Country Electric Inc.*, 516 U.S. 85 (1995) (definition of "employee" under the National Labor Relations Act). Briefs supplied.

(3) *United States v. Wells and Steele*, 519 U.S. 482 (1997) (whether the materiality of a false statement is an element of 18 U.S.C. § 1014, which makes it a felony to make a false statement to a federally insured bank). Briefs supplied.

(4) *Whren v. United States*, 517 U.S. 806 (involving the constitutionality of "pretext" traffic stops, in which a law-enforcement officer has a valid basis to make a traffic stop but is motivated to do so because of suspicion of a different offense). Brief supplied.

(5) *Ohio v. Robinette*, 519 U.S. 33 (1996) (whether law-enforcement officer has a Fourth Amendment duty, in course of a valid traffic stop, to affirmatively notify the motorist, before questioning commences on unrelated issues, that he/she is free to leave). Brief supplied.

While at WilmerHale, I have authored or co-authored briefs, or petitions for certiorari or oppositions to such petitions, in ten cases to the Supreme Court. These briefs are listed below:

(1) *Calcano-Martinez v. INS*, 533 U.S. 348 (2001) (briefs for petitioner, challenging court of appeals' decision that it lacked jurisdiction to hear statutory and constitutional challenges to order of removal). Briefs supplied.

(2) *INS v. St. Cyr*, 533 U.S. 289 (2001) (brief for respondent, defending court of appeals' decision that it had habeas corpus jurisdiction over his challenge to his final removal order). Brief supplied.

(3) *Benitez v. Mata*, 544 U.S. 998 (2005) (amicus brief on behalf of American Civil Liberties Union, arguing that 8 U.S.C. § 1231(a)(6) does not authorize the indefinite and potentially permanent detention of Mariel "boat-lift" Cuban parolees). Brief supplied.

(4) *Cogswell v. City of Seattle*, 541 U.S. 1043 (2004) (petition for writ of certiorari, presenting question whether a Seattle ordinance that provided that a candidate's written "campaign statement" could not discuss the candidate's opponent was constitutional). Brief supplied.

(5) *Leocal v. Ashcroft*, 543 U.S. 1 (2004) (May 10, 2004) (amicus brief on behalf of National Association of Criminal Defense Lawyers, Immigrant Defense Project, Defending Immigrants Partnership, American Immigration Lawyers Association, and American Civil Liberties Union, on question whether the state offense of driving under the influence constitutes a "crime of violence" under 18 U.S.C. § 16(a), necessitating the removal of an alien who commits that offense). Brief supplied.

(6) *United States v. Fanfan*, 543 U.S. 220 (2005) (opposition to petition for writ of certiorari, arguing that case was inappropriate vehicle for determining constitutionality of United States Sentencing Guidelines). Brief supplied.

(7) *New York State Board of Elections v. Lopez Torres*, 552 U.S. 196 (2008) (July 13, 2007) (amicus brief by Brooklyn District Attorney Charles Hynes, in

support of Brennan Center for Justice's First Amendment challenge to process by which state supreme court judges are chosen in New York State; amicus brief provided prosecutor's account of documented corruption created by the party-dominated judicial electoral process). Brief supplied.

(8) *Brown v. McKithen*, 552 U.S. 1179 (2008) (opposition to petition for writ of certiorari, arguing that case, which involved claim of access to DNA testing, did not implicate circuit split on the procedural issues identified by petitioner). Brief supplied.

(9) *District Attorney's Office for Third Judicial District v. Osborne*, 129 S. Ct. 2308 (2009) (amicus brief in case raising the issue of whether there is a post-conviction right to access to potentially exculpatory DNA evidence; we represented 10 amici individuals who had previously been exonerated, after years in prison, by post-conviction DNA testing). Brief supplied.

(10) *Morrison v. National Australia Bank Ltd.*, No. 08-1191, 130 S. Ct. 2869 (2010) (amicus brief in case raising issue of the extraterritorial scope, if any, of Section 10(b) of the Securities Exchange Act). Brief 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. Altman*, 48 F.3d 96 (2d Cir. 1995) (affirming in part and reversing in part and remanding for resentencing), 107 F.3d 4 (2d Cir. 1996) (affirming sentence imposed upon remand); Southern District of New York; Hon. Whitman Knapp; September 1993 - December 1996.

While in the Public Corruption Unit, I led an investigation into corruption in the Surrogates Court of New York County, which resulted in indictments of several attorneys and other fiduciaries. One person indicted was Altman, a Surrogates Court practitioner who had been appointed to numerous guardianships and conservatorships by a Manhattan Surrogate. He was convicted after a six-week jury trial in September and October 1993 before Hon. Whitman Knapp, United States District Judge

(S.D.N.Y.), of mail fraud, tax fraud, witness tampering, and tax evasion. The evidence established that Altman had defrauded a mentally handicapped man; had defrauded an estate he served as executor; had subscribed to false tax returns; and had tampered with a witness before the witness's testimony for a grand jury. I was lead counsel at trial, which entailed delivering the government's opening statement and rebuttal summation; presenting testimony from numerous witnesses; cross-examining the defendant and other witnesses; and playing the lead role in our legal submissions to the Court. I was also lead counsel on appeal. Altman's conviction was affirmed in part and reversed in part on appeal; his sentence upon resentencing was upheld in a subsequent appeal. I argued both appeals.

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2. *United States v. Jackson*, 180 F.3d 55 (2d Cir. 1999) (overturning conviction); 196 F.3d 383 (2d Cir. 1999) (reinstating conviction); Southern District of New York; Hon. Barbara S. Jones; January 1997 - December 1999.

While Chief of the Major Crimes Unit, I led the investigation and prosecution of three defendants for attempting to extort $40 million from the actor Bill Cosby, by threatening to disclose to the media their claim that Cosby was defendant Jackson's out-of-wedlock father. All three were convicted following a three-week jury trial in July 1997 before Hon. Barbara Jones, United States District Judge (S.D.N.Y.), of conspiracy, extortion, and violating the Travel Act. The evidence at trial established that the defendants had carried out an elaborate scheme to threaten Cosby—directly and through corporations and a network affiliated with him—with disclosure of Jackson's paternity claim if Cosby did not pay them millions of dollars. I was lead counsel at trial. This entailed, among other things, delivering the government's opening statement and main summation and presenting the testimony of numerous witnesses. I was also lead counsel on appeal, and argued for the government. The defendants' convictions were upheld on appeal: the Second Circuit initially reversed on the ground of instructional error; after we moved for panel rehearing, the panel reversed itself and affirmed the convictions.

Co-counsel:

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Opposing counsel:

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3. *United States v. Duker*, Dkt. No. 97-CR-00822; Southern District of New York; Hon. Sonia Sotomayor; January 1997 - December 1997.

In 1997, while head of the Major Crimes Unit, I led an investigation and prosecution of defendant Duker, the managing partner of the Manhattan law firm then known as Duker and Barrett. The investigation resulted in Duker's guilty plea to several felony counts, including mail fraud, false claims, false statements, and obstruction of a Federal Deposit Insurance Corporation (FDIC) audit. These offenses all arose from Duker's having submitted false and inflated bills to the FDIC and the Resolution

Trust Corporation, which had hired his firm to do litigation work in connection with the early 1990s savings and loan bailout. Sentencing was held in December 1997 before then-District Judge Hon. Sonia A. Sotomayor (S.D.N.Y.), who imposed a sentence of 33 months' imprisonment. I was sole counsel for the investigation and prosecution, and represented the government at the sentencing hearing. For my work on the case, I was awarded the Justice Department's Director's Award for Superior Performance in 1998, and was also honored by the FDIC. Because the case resulted in a guilty plea, there are no reported decisions in the case.

Opposing counsel:

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4. *United States v. Cusack*, 229 F.3d 344 (2d Cir. 2000); Southern District of New York; Hon. Denise L. Cote; 1997 - 1999.

While Chief of the Major Crimes Unit, I led the investigation and prosecution of Cusack. Cusack forged between 250 and 300 historical documents that bore the purported handwriting of President Kennedy and, in a few instances, of Senator Robert F. Kennedy and Marilyn Monroe. Cusack sold these documents, through a network of historical document dealers, for between $7 million and $8 million. Cusack was convicted after a three-week jury trial in April 1999 before Hon. Denise Cote, United States District Judge (S.D.N.Y.). I was lead counsel at trial. This entailed delivering the government's opening statement and rebuttal summation and presenting the testimony of numerous witnesses. Cusack's conviction was affirmed (I did not participate in the appeal, having left the USAO by that time.)

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5. *United States v. Alter*, 788 F. Supp. 756 (1992) (district court's findings following sentencing hearing); 985 F.2d 105 (1993) (remanding for resentencing); 825 F. Supp. 550 (1993) (resentencing); 17 F.3d 391 (1993) (affirming resentencing); Southern District of New York; Hon. Kenneth Conboy; 1990 - 1993.

While in the Public Corruption Unit, I prosecuted Alter, who was the head of Manhattan House, a federal halfway-house on West 43d Street in Manhattan to which federal prisoners was assigned to serve the final months of their prison sentences. Following an extensive investigation, Alter was charged with offenses, including bribery and sexual abuse, arising from his having bribed, threatened, or coerced prisoners to engage in sexual relations with him. He pled guilty to a single count of bribery involving a single inmate, with the government reserving the right to prove at a sentencing (or *Fatico*) hearing other episodes of misconduct and the particular facts relating to the episode to which he had pled guilty. The hearing lasted five days, and took place in January 1992. Along with AUSA Peter Vigeland, I jointly represented the government at that hearing. The hearing focused on testimony from former Manhattan House residents, and evidence corroborating their accounts of predations by Alter. Following the hearing, Judge Conboy, in a lengthy written decision, found that Alter had engaged in misconduct with respect to three inmates, and found other aggravating factors. Along with AUSA Vigeland, I represented the government at sentencing and on the two appeals that Alter took from his sentence of five years' imprisonment, and argued the first of those appeals.

Co-counsel:

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6. *United States v. Fuhs*, reported *sub nom. United States v. Brown*, 459 F.3d 509 (5th Cir. 2006); United States Court of Appeals for the Fifth Circuit; 2004 - 2006.

Along with my partner, Seth Waxman, I represented Fuhs on appeal of his criminal conviction. Fuhs was a junior Merrill Lynch banker who played a role in documenting the "Nigerian barge transaction" between Enron and Merrill. The

Justice Department alleged that that transaction had been a sham designed to enable Enron to boost its 2001 year-end earnings, and that various participants at Merrill, including Fuhs, had known at the time that the transaction was a sham. Fuhs and four others were convicted in federal district court in Houston of conspiracy and securities fraud. Fuhs was sentenced to serve 37 months' imprisonment; the district court refused to grant his release pending appeal. I principally drafted our brief on appeal. We argued that Fuhs was, as a matter of law, actually innocent, because there was insufficient evidence that he had been aware of the feature that made the transaction a sham: an alleged oral side agreement between leaders of Enron and Merrill. The Fifth Circuit agreed with our analysis. Its panel, in fact, did not ask Mr. Waxman, who argued the case, any questions during argument, while actively questioning government counsel about the evidence as to Fuhs. On the strength of oral argument, we moved again for bail pending appeal. The Fifth Circuit granted that motion; it directed that Fuhs immediately be released from prison. I flew the next morning to Oklahoma City (near the federal prison where Fuhs had been serving), and negotiated the terms of his release on bail; he was freed that day. Several months later, the Fifth Circuit reversed Fuhs' conviction, on the grounds of insufficient evidence, and directed that a judgment of acquittal be entered in his case. The Circuit also reversed and remanded for retrial the convictions of several co-defendants, on the basis of instructional errors involving the "honest services" theory of mail fraud.

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7. *de Kwiatkowski v. Bear Stearns & Co., Inc.*, 306 F.3d 1293 (2d Cir. 2002); United States Court of Appeals for the Second Circuit; 2000 - 2002.

In spring 2000, Bear Stearns lost a $164.5 million jury verdict for negligence in the Southern District of New York to de Kwiatkowski, a billionaire currency trader who alleged, in essence, that his massive trading losses betting long on the dollar had been attributable to Bear's failure to furnish him with contrary investment advice. Our firm was hired to represent Bear on appeal. I was the principal drafter of our post-trial motion papers and our appellate brief to the Second Circuit. (My partner Lou Cohen argued the appeal.) A unanimous panel of the Second Circuit reversed and directed that judgment be entered for Bear Stearns. The Court held that Bear Stearns did not have any affirmative duty to furnish investment advice to de Kwiatkowski, who had a non-discretionary account with Bear Stearns, and that Bear Stearns's conduct in counseling de Kwiatkowski had not been negligent. The decision has become a significant and often-cited decision as to the duties of securities brokers.

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8. *Pearce v. UBS Paine Webber Inc.*, 2003 WL 25518056 (D.S.C. 2003) (denying motion to dismiss); 2003 WL 25518056 (D.S.C. 2004) (denying motion for class certification); District of South Carolina; Hon. Joseph F. Anderson Jr. 2002 - 2004.

Between 2002 and 2004, I led our firm's representation of UBS PaineWebber, Inc., and its affiliate UBS Warburg, which had been sued in a putative class action. The lawsuit alleged, in essence, that for a period of several years, PaineWebber had been able secretly to mark up the prices on its customers' Nasdaq trades by approximately two cents a share above the "best execution" price, by routing all of these trades to its affiliate, Warburg, for execution. The case was litigated in federal district court in South Carolina. I had several oral arguments before Judge Anderson. I first succeeded in getting two related lawsuits brought by the client's former PaineWebber broker dismissed. (The broker had sued PaineWebber for defamation and for an alleged breach of an employment contract.) Those decisions are unreported. I then argued our motion to dismiss the class action complaint; the district court denied that motion. The case then proceeded to extensive fact and expert discovery and briefing relating to class-certification. In July 2004, a day-long oral argument on class certification was held, which I (along with my then-partner Charles Davidow, Esq.) handled. Following argument, the district court issued a decision denying class certification, on the grounds that at trial, individualized issues as to the adequacy of the prices quoted by PaineWebber to individual customers would predominate over common issues, and that class certification was therefore inappropriate under Fed. R. Civ. P. 23(b)(3).

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9. *In re Insurance Brokerage Antitrust Multi-District Litigation*, Civ. Nos. 04-5184, 05-1079, 2007 WL 2533989 (D.N.J. Aug. 31, 2007) (dismissing Sherman Act claims); *In re Insurance Brokerage Antitrust Litigation*, Civ. Nos. 04-5184, 05-1079, 2007 WL 2892700 (D.N.J. Sept. 28, 2007) (dismissing RICO claims); *In re Insurance Brokerage Antitrust MDL*, No. 07-4046 (3d Cir. August 16, 2010) (affirming dismissal of substantial majority of the case, including all federal claims as to The Hartford). District of New Jersey; Hon. Faith Hochberg, later, Hon. Garrett Brown. 2004-2010.

Between 2004 and 2011, I have served as lead counsel for the insurance company The Hartford in a massive multi-district class-action litigation. The litigation was initiated as a series of class actions following the filing of a number of individual criminal cases by then-New York Attorney General Eliot Spitzer against individual employees of insurers and brokers, alleging bid-rigging and related misconduct. The class actions alleged, among other things, a nationwide market-allocation conspiracy among the nation's leading insurers and brokers in violation of the Sherman Act, facilitated by contingent commission agreements, and a conspiracy to violate the RICO statute. The cases were consolidated by the MDL panel in the District of New Jersey, and were originally assigned to Judge Hochberg and were later transferred to Chief Judge Brown. There were approximately two dozen insurers or brokers named as defendants in the consolidated litigation. Ultimately, after several rounds of briefing on the defense's motions to dismiss and re-pleading by plaintiffs, Chief Judge Brown granted the defense's motions to dismiss, with prejudice. The case was argued before the Third Circuit in April 2009 and decided on August 16, 2010; the Third Circuit affirmed the dismissal of all federal claims as to The Hartford (and affirmed the dismissal of the overwhelming majority of federal claims as to the other defendants). Throughout the litigation, I played an active leadership role in the defense group, with particular attention to (a) briefing on the motion to dismiss; (b) briefing on class-certification; (c) development of the factual record through discovery; and (d) active participation in the process of appellate briefing and argument preparation (argument was conducted by Mr. Waxman, from our firm, on behalf of the defense group). As leader of WilmerHale's team on this matter, I was also responsible for all aspects of the representation. These included overall strategy; briefing on all merits and discovery issues; retention and use of experts; and management of the offensive and defensive discovery process, which across the case entailed the production of approximately tens of millions of pages of documents and—as of the date the motion to dismiss was granted—the taking of approximately 200 depositions. I also actively participated in the discovery process.

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10. *United States v. Stein*, 541 F.3d 130 (2d Cir. 2008); United States Court of Appeals for the Second Circuit; 2007-2008.

In 2007 and 2008, our firm successfully defended on appeal the pretrial dismissal by Hon. Lewis A. Kaplan (SDNY) of the tax-evasion indictments of various KPMG partners. Judge Kaplan held that prosecutors had violated the defendants' Sixth Amendment rights by pressuring KPMG to retract its promise to indemnify the defendants for their legal fees, and that the proper remedy for this misconduct, under the circumstances, was dismissal of the indictment. Seth Waxman and I represented seven of the defendant-appellees, defending the dismissal on appeal. Our appellate brief argued that the government's conducted violated by the Fifth and Sixth Amendments, and, importantly, emphasized that the Sixth Amendment violation was a procedural due process violation, not solely a substantive due process violation (which had been the emphasis of the decision below). Within our team, I was actively involved in developing our legal arguments, shaping our eventual brief, and preparing Mr. Waxman for oral argument before the Second Circuit.

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Opposing counsel:

AUSA Karl Metzner, Esq.
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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.)

United States Attorney's Office: My most significant legal activities as a line AUSA (apart from handling the cases identified in my response to the previous question and other trials) involved conducting investigations and negotiating guilty pleas. Much of my work involved investigating and building cases, determining (in conjunction with colleagues and supervisors) whether the evidence and equities merit bringing charges in a particular case, and, where charges were appropriate, attempting to negotiate a resolution that was consistent with the Justice Department's charging policy and appropriately reflected the facts and equities.

My most significant legal activities as Chief of the Major Crimes Unit (apart from the cases I personally handled) were twofold. First, I devoted a great amount of time to supervising and training the AUSAs in the Unit. Second, I was deeply involved in overseeing investigations involving allegations of crimes by corporate entities. Under Justice Department guidelines, the decision whether to charge a corporation requires consideration of a range of factors. These include the nature and duration of the criminal conduct, the number and rank of the corporate officials involved in the conduct, the quality of the corporation's compliance procedures and historical track record, the corporation's response upon becoming aware of the potential crime (including remedial steps, if any), the corporation's cooperation with the government's investigation, the adequacy of civil remedies, the likely deterrent impact of bringing criminal charges against the corporate entity, and the collateral consequences to others (including employees, shareholders, and the public) of bringing a criminal charge. In each of these cases, I spent a great deal of time trying to immerse myself in the facts; listening to and closely questioning counsel who presented to the Office on these issues; and making sure that the U.S. Attorney (Mary Jo White) and other leaders of the Office were apprised of the facts and arguments in each direction.

WilmerHale: My most significant legal activities (other than the cases described in the previous answer, and other litigations) have involved the part of my practice that entails conducting internal investigations and representing companies and individuals who are under investigation by federal prosecutors and/or regulators. These include various United States Attorney's Offices, the Justice Department in Washington, D.C., the Securities and Exchange Commission, and various state attorneys general. The institutional clients whom I have represented in such matters include prominent financial institutions, securities firms, pharmaceutical and computer-technology companies, a Big Four accounting firm, an Ivy League university, and a prominent New York City not-for-profit organization. These cases typically call upon lawyers to obtain a rapid mastery of the facts, the organization's history and culture and leadership, and the regulatory landscape. They also put a premium on developing and sustaining one's credibility—with clients and their executives and directors, for whom such cases often present uniquely delicate and difficult challenges; and with prosecutors and regulators, who are apt to see the words and deeds of the corporate institution's outside counsel as a key indication of whether the institution is cooperative and "gets it." My institutional clients have very rarely been charged, criminally or civilly.

An active part of my practice has also involved representing individuals in connection with white-collar or regulatory inquiries. I have represented individuals in criminal cases investigated by prosecutors in New York (the Southern and Eastern Districts), New Jersey, Pennsylvania, Massachusetts, Connecticut, South Carolina, and California, among others, as well as in cases investigated by the Department of Justice in Washington, D.C., and by the Securities and Exchange Commission. The dozens of executives I have represented have been the subjects of investigations into such matters as accounting fraud, various forms of securities fraud, market timing of mutual funds, the backdating of stock options, insider trading, violations of the Foreign Corrupt Practices Act, Medicaid fraud, and violations of the antitrust laws.

As to lobbying, I have not engaged in any lobbying activities at any time.

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

I have not taught courses.

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 will receive payments, upon retirement, from the Federal Employees Retirement System.

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, with or without compensation, during my service with the Court.

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.

Cases in which my current law firm, WilmerHale, represented a party or appeared would present a potential conflict of interest. To avoid such a conflict or the appearance of one, I would recuse myself for a period of at least several years from all cases in which WilmerHale represented a party or appeared. In addition, cases in which prior clients of mine were parties would present a potential conflict of interest. I would follow the guidance of the recusal statutes and the Code of Conduct for United States Judges and recuse myself where appropriate to avoid even an appearance of conflict.

My sister is a partner at the law firm of Arnold & Porter, specializing in international arbitration. A filing in federal court involving my sister will be rare and easily identifiable. I do not believe other family members are likely, either in the capacity of a party or counsel, to have cases in the federal courts.

At the present time, I cannot think of a category of litigation which, by its nature, would present a conflict-of-interest problem for me. I would, of course, recuse myself from any case in which a credible claim of a financial interest on my part or my family's part could be made.

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 will handle all matters involving actual or potential conflicts of interest through the careful and diligent application of the Code of Conduct for United States Judges as well as other relevant Canons and statutory provisions, e.g., 28 U.S.C. § 455. I am also a strong believer in full disclosure. Upon becoming alert to a situation that any party or the public might conceivably identify as a potential conflict of interest, I would alert the parties to the issue in question, and offer them the opportunity to express their views. I would also offer the lawyers in the case the opportunity, if they thought it useful, to brief any recusal or conflict-of-interest issue. Finally, as noted, I would, as appropriate, consult my judicial colleagues on these issues.

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

I have been actively involved in pro bono work since joining WilmerHale in January 2000. In seven of my 11 years at the firm, I have devoted between 100 and 200 hours per year to pro bono work. Although I have handled pro bono work in various areas, my pro bono work has largely fallen into three broad categories, set forth below. Many of these cases have involved appellate work. I have focused my pro bono time heavily on appellate work, both because I enjoy it, and also because it has proven a wonderful way to give our superb associates training and oral argument opportunities (which are harder to find for associates in cases for paying clients). Through appellate pro bono work, our associates in the firm's New York Office have handled at least 10 oral arguments in the federal courts of appeals, with me often playing the role of mooter and oral-argument second chair.

First, I have worked on a number of matters for, or in support of efforts of, the Brennan Center for Justice. (a) In December 2002, I submitted an amicus brief to the United States Court of Appeals for the Eleventh Circuit, in support of the Brennan Center, which had brought a lawsuit seeking to invalidate Florida's constitutional provision providing for lifetime disenfranchisement of felons. Our brief was on behalf of a large group of former prosecutors, headed by former Deputy Attorney General (now Attorney General) Eric Holder. The brief argued that a policy of permanent felon-disenfranchisement does not further any valid law-enforcement interest. The panel's decision is reported in *Johnson v. Bush*, 353 F.3d 1287 (11th Cir. 2003); the *en banc* circuit's decision, upholding Florida's felon-disenfranchisement provision, is reported in *Johnson v. Bush*, 405 F.3d 1214 (11th Cir. 2005). (b) In December 2006, I submitted an amicus brief to the United States Court of Appeals for the Tenth Circuit, on behalf of the Brennan Center. The brief sought reversal of a lower court decision which had invalidated, under the First Amendment, several of Kansas's judicial canons, including Kansas Supreme Court Rule 601A, which prohibited judicial candidates from "mak[ing] pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office ... [or] statements that commit or appear to commit the candidate with respect to cases, controversies, or issues that are likely to come before the court." The amicus brief analyzed this canon in light of the applicable precedents, and set out facts relating to the increasing politicization of judicial elections. The panel's decision, certifying related questions to the Kansas Supreme Court, is reported in *Kansas Judicial Review v. Stout*, 519 F.3d 1109 (10th Cir. 2008). (c) As noted earlier, in August 2007, I submitted an amicus brief to the United States Supreme Court in *New York State Board of Elections v. Lopez Torres*, 128 S. Ct. 791 (2008), on behalf of Brooklyn District Attorney Charles Hynes. (d) In March 2010, I submitted an amicus brief to the United States Court of Appeals for the Ninth Circuit, on behalf of the Brennan Center, in *Kirk v. Carpeneti*, No. 09-35860. The brief sought affirmance of a lower court decision which had rejected a separation-of-powers challenge to Alaska's merit-selection process for selecting state court judges.

Second, I have worked on a large number of matters relating to immigration issues. (a) As noted earlier, I have submitted briefs three times to the United States Supreme Court on immigration issues: a brief for the petitioner in *Calcano-Martinez v. INS*, 533 U.S. 348 (2001), challenging the court of appeals' decision that it lacked jurisdiction to hear statutory and constitutional challenges to order of removal; a brief for the respondent in *INS v. St. Cyr*, 533 U.S. 289 (2001), defending the court of appeals' decision that it had habeas corpus jurisdiction over his challenge to his final removal order; and an amicus brief in *Leocal v. Ashcroft*, 543 U.S. 1 (2004), on behalf of various immigrants' rights and criminal defense organizations, on the question whether the state offense of driving under the influence constitutes a "crime of violence" under 18 U.S.C. § 16(a). (b) I have submitted party or amicus briefs in eight to ten appellate cases in which aliens faced deportation. These include: *Rankine v. Reno*, 319 F.3d 93 (2d Cir. 2003); *Dickson v. Ashcroft*, 346 F.3d 44 (2d Cir. 2003); *Olivera-Garcia v. INS*, No. 01-70643 (9th Cir. 2003); *Jobson v. Ashcroft*, 326 F.3d 367 (2d Cir. 2003); *Bell v. Ashcroft*, 2003 WL 2235800 (S.D.N.Y. 2003) (appellate brief filed but appeal later mooted by administrative grant of relief); *Edwards v. INS* (decided along with *Falconi v. INS*, in which we also represented the petitioner), 393 F.3d 299 (2d Cir. 2004); *Chambers v. Reno*, 307 F.3d 284 (4th Cir. 2004); and *Yusupov v. Mukasey*, 518 F.3d 185 (3d Cir. 2008). (c) I have also represented several individual immigrants in administrative proceedings. In 2001, a colleague and I won asylum status for a Buddhist monk, Kalsang Jimpa, who feared retaliation in his home country for his political and religious beliefs. In 2003-2004, a colleague and I won citizenship for an immigrant, Maribel Prado, who was facing deportation; we persuaded immigration authorities that Ms. Prado, although not living with her mother at the time, as a matter of law had derivatively obtained citizenship at age 16 when her mother had been naturalized.

Third, I have submitted three briefs to federal appellate courts on important issues relating to post-conviction access to DNA evidence. (a) At the request of the Second Circuit, and on the recommendation of Professor Daniel Meltzer of Harvard Law School whom the panel had solicited for assistance, I took on the pro bono representation of Frank McKithen, a New York state prisoner who was seeking exculpatory DNA evidence. The case raised issues of first impression in the Second Circuit as to whether a state prisoner's § 1983 claim for access to DNA evidence is barred by *Heck v. Humphrey*, 512 U.S. 477 (1994) or the *Rooker-Feldman* doctrine, as well as whether there is a post-conviction right of access to DNA evidence and what the contours of that right are. We persuaded the Second Circuit that no such procedural bars blocked McKithen's claim, and the Court remanded to the district court for resolution of the substantive constitutional issue. *See McKithen v. Brown*, 481 F.3d 89 (2d Cir. 2007). (b) As noted, I submitted an amicus brief to the Supreme Court in *District Attorney's Office for Third Judicial District v. Osborne*, 129 S. Ct. 2309 (2009), which addressed the substantive issue of whether there is a post-conviction right to access to potentially exculpatory DNA evidence. Our brief, in the form of a "Brandeis brief," presented accounts from 10 amici individuals who had previously been exonerated, after years in prison, by post-conviction DNA testing. (c) I submitted an amicus brief to the Sixth Circuit on behalf of the Innocence Network in *In re Frederick Smith*, No. 07-1220. The brief addressed the procedural bar issues resolved by the Second Circuit in *McKithen*.

A final noteworthy pro bono matter of mine was *Shields v. Madigan*, in which, along with colleagues at the firm and at two other New York City law firms, I represented 10 same-sex couples who had been denied marriage licenses in New York State and who petitioned in New York State Supreme Court, challenging that denial. Petitioners' suit was brought under the New York State Domestic Relations Law and under the New York State Constitution. The Supreme Court denied the petition, *see* 5 Misc. 3d 901, 783 N.Y.S.2d 270 (2004), and the Appellate Division affirmed, *see* 32 A.D.3d 1036, 820 N.Y.S.2d 890 (2d Dept. 2006). A suit in which other same-sex couples made the same state constitutional claims reached the New York Court of Appeals in 2006; the Court of Appeals ruled, 4-3, against the petitioners in that case. *See Hernandez v. Robles*, 7 N.Y.3d 338, 885 N.E.2d 1, 821 N.Y.S.2d 770 (2006).

26. **Selection Process**:

a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

I submitted a completed questionnaire to Senator Charles E. Schumer's judicial selection committee, which recommends candidates for nomination to the federal courts to the Senator. I was interviewed by that committee in June 2009. I was interviewed by Senator Schumer in November 2009.

Since June 2010, I have been in contact with pre-nomination officials at the U.S. Department of Justice. I interviewed with attorneys from the White House Counsel's Office and the Department of Justice on November 10, 2010. The President submitted my nomination to the Senate on February 2, 2011.

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.

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FINANCIAL DISCLOSURE REPORT
NOMINATION FILING

Report Required by the Ethics in Government Act of 1978 (5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial)	2. Court or Organization	3. Date of Report
Engelmayer, Paul A.	US District Court for the Southern District of New York	02/03/2011

4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)	5a. Report Type (check appropriate type)	6. Reporting Period
United States District Judge	☑ Nomination, Date 02/02/2011 ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	01/01/2010 to 01/28/2011

7. Chambers or Office Address	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations.
Wilmer Cutler Pickering Hale and Dorr LLP 399 Park Avenue New York, NY 10022	Reviewing Officer ____________________ Date __________

IMPORTANT NOTES: *The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.*

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

☐ NONE *(No reportable positions.)*

	POSITION	NAME OF ORGANIZATION/ENTITY
1.	Partner	Wilmer Cutler Pickering Hale & Dorr LLP (WCPHD)
2.	Trustee	Trust #1
3.	Trustee	Trust #2
4.	Co-Executor	Estate #1
5.		

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

☐ NONE *(No reportable agreements.)*

DATE	PARTIES AND TERMS
1. 2003	WCPHD Defined Benefit Plan
2. 2000	WCPHD Partner's Capital
3.	

Name of Person Reporting	Date of Report
Engelmayer, Paul A.	02/03/2011

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)*

A. Filer's Non-Investment Income

☐ NONE *(No reportable non-investment income.)*

DATE	SOURCE AND TYPE	INCOME (yours, not spouse's)
1. 2009	Partner Income from WCPHD	$1,600,000.00
2. 2010	Partner Income from WCPHD	$1,056,289.00
3. 2011	Partner Income from WCPHD	$320,381.00
4.		

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.*

(Dollar amount not required except for honoraria.)

☑ NONE *(No reportable non-investment income.)*

DATE	SOURCE AND TYPE
1.	
2.	
3.	
4.	

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

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

☐ NONE *(No reportable reimbursements.)*

SOURCE	DATES	LOCATION	PURPOSE	ITEMS PAID OR PROVIDED
1. Exempt				
2.				
3.				
4.				
5.				

Name of Person Reporting	Date of Report
Engelmayer, Paul A.	02/03/2011

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

☐ NONE *(No reportable gifts.)*

	SOURCE	DESCRIPTION	VALUE
1.	Exempt		
2.			
3.			
4.			
5.			

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

☐ NONE *(No reportable liabilities.)*

	CREDITOR	DESCRIPTION	VALUE CODE
1.	American Express	Credit Card	J
2.			
3.			
4.			
5.			

Name of Person Reporting	Date of Report
Engelmayer, Paul A.	02/03/2011

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

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

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period (1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	C. Gross value at end of reporting period (1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. IRA #1	A	Dividend	K	T	Exempt				
2. - ING Senior Income Cl A									
3. - MFS Emerging Markets Debt Fund Class I									
4. - Ivy Global Natrual Resources Fund Cl Y									
5. IRA #2	A	Dividend	J	T					
6. - MFS Emerging Markets Debt Fund Class I									
7. - Templeton Global Bond Fund Cl A									
8. IRA #3	A	Dividend	K	T					
9. - ING Senior Income Cl A									
10. - MFS Emerging Markets Debt Fund Class I									
11. - Ivy Global Natural Resources Fund Cl Y									
12. Trust #1	D	Dividend	M	T					
13. - Acadian Emerging Markets									
14. - Eaton Vance Structured Emerging Markets A									
15. - GRT Value Fund Advisor Class									
16. - ING Senior Income Cl A									
17. - ING Senior Income Fund Cl Q									

1. Income Gain Codes: (See Columns B1 and D4)	A =$1,000 or less	B =$1,001 - $2,500	C =$2,501 - $5,000	D =$5,001 - $15,000	E =$15,001 - $50,000
	F =$50,001 - $100,000	G =$100,001 - $1,000,000	H1 =$1,000,001 - $5,000,000	H2 =More than $5,000,000	
2. Value Codes (See Columns C1 and D3)	J =$15,000 or less	K =$15,001 - $50,000	L =$50,001 - $100,000	M =$100,001 - $250,000	
	N =$250,001 - $500,000	O =$500,001 - $1,000,000	P1 =$1,000,001 - $5,000,000	P2 =$5,000,001 - $25,000,000	
	P3 =$25,000,001 - $50,000,000		P4 =More than $50,000,000		
3. Value Method Codes (See Column C2)	Q =Appraisal	R =Cost (Real Estate Only)	S =Assessment	T =Cash Market	
	U =Book Value	V =Other	W =Estimated		

Name of Person Reporting	Date of Report
Engelmayer, Paul A.	02/03/2011

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

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

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
Place "(X)" after each asset exempt from prior disclosure	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. - iShares Tr MSCI EAGE Index Fd									
19. - iShares Tr S&P 400 BARRA Midcap Growth									
20. - Ivy Asset Strategy Fund Class A									
21. - Loomis Sayles Strategic Income A									
22. - PIMCO Funds Total Return Fund Instl #35									
23. - Schwab Tax Exempt Money Fund									
24. - T.Rowe Price Emerging Market Bond Fund									
25. - Wisdomtree Large Cap Dividend									
26. - WisdomTree MidCap Dividend									
27. - Berkshire Hathaway Inc Del B									
28. - Ivy Global Natural Resources Fund Cl Y									
29. Trust #2	C	Dividend	M	T					
30. - Acadian Emerging Markets									
31. - Eaton Vance Structured Emerging Markets A									
32. - ING Senior Income Cl A									
33. - iShares Tr MSCI EAFE Index Fd									
34. - iShares Tr S&P 400 BARRA Midcap Growth									

1. Income Gain Codes: (See Columns B1 and D4)	A =$1,000 or less F =$50,001 - $100,000	B =$1,001 - $2,500 G =$100,001 - $1,000,000	C =$2,501 - $5,000 H1 =$1,000,001 - $5,000,000	D =$5,001 - $15,000 H2 =More than $5,000,000	E =$15,001 - $50,000
2. Value Codes (See Columns C1 and D3)	J =$15,000 or less N =$250,001 - $500,000 P3 =$25,000,001 - $50,000,000	K =$15,001 - $50,000 O =$500,001 - $1,000,000	L =$50,001 - $100,000 P1 =$1,000,001 - $5,000,000 P4 =More than $50,000,000	M =$100,001 - $250,000 P2 =$5,000,001 - $25,000,000	
3. Value Method Codes (See Column C2)	Q =Appraisal U =Book Value	R =Cost (Real Estate Only) V =Other	S =Assessment W =Estimated	T =Cash Market	

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

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

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period (1) Amount Code 1 (A-H)	B. (2) Type (e.g., div., rent, or int.)	C. Gross value at end of reporting period (1) Value Code 2 (J-P)	C. (2) Value Method Code 3 (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption)	D. (2) Date mm/dd/yy	D. (3) Value Code 2 (J-P)	D. (4) Gain Code 1 (A-H)	D. (5) Identity of buyer/seller (if private transaction)
35. - Ivy Asset Strategy Fund Class A									
36. - Loomis Sayles Strategic Income A									
37. - PIMCO Funds Total Return Fund Instl #35									
38. - Schwab Tax Exempt Money Fund									
39. - T.Rowe Price EMerging Market Bond Fund									
40. - Wisdomtree Large Cap Dividend									
41. - WisdomTree MidCap Dividend									
42. - Berkshire Hathaway Inc Del B									
43. - Ivy Global Natural Resources Fund Cl Y									
44. Brokerage #1									
45. Eaton Vance Structured Emerging Markets I	D	Dividend	N	T					
46. ING European Bank Loan	B	Dividend	M	T					
47. ING Senior Income Cl A	B	Dividend							
48. ING Senior Income Fund Cl Q	C	Dividend							
49. iShares Tr S&P 600 BARRA Small Cap Growth	A	Dividend	K	T					
50. MFS Emerging Markets Debt Fund Class I	B	Dividend	K	T					
51. New York Port Authority	B	Dividend							

1. Income Gain Codes: (See Columns B1 and D4)	A =$1,000 or less F =$50,001 - $100,000	B =$1,001 - $2,500 G =$100,001 - $1,000,000	C =$2,501 - $5,000 H1 =$1,000,001 - $5,000,000	D =$5,001 - $15,000 H2 =More than $5,000,000	E =$15,001 - $50,000
2. Value Codes (See Columns C1 and D3)	J =$15,000 or less N =$250,001 - $500,000 P3 =$25,000,001 - $50,000,000	K =$15,001 - $50,000 O =$500,001 - $1,000,000	L =$50,001 - $100,000 P1 =$1,000,001 - $5,000,000 P4 =More than $50,000,000	M =$100,001 - $250,000 P2 =$5,000,001 - $25,000,000	
3. Value Method Codes (See Column C2)	Q =Appraisal U =Book Value	R =Cost (Real Estate Only) V =Other	S =Assessment W =Estimated	T =Cash Market	

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

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

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
Place "(X)" after each asset exempt from prior disclosure	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
52. Prudential Jennison Natural Resources Cl A	B	Dividend							
53. Schwab NY Tax Ex Money Sweep Shares	A	Dividend	J	T					
54. Aria Consumer Fund		None	N	W					
55. Berkshire Hathaway Inc Del B		None	L	T					
56. Deutsche Bank AG London 307 US CMS		None	L	W					
57. Ivy Global Natural Resources Fund Cl Y		None	N	T					
58. JLP Credit Opportunity Fund		None	M	W					
59. Prudential Jennison Natural Resources Fund Cl Z		None	M	T					
60. Brokerage #2									
61. Schwab NY Tax Ex Money Sweep Shares	A	Dividend	M	T					
62. Brokerage #3									
63. Consumer Stap spdr	A	Dividend	K	T					
64. Consumers Dis SS Spdr	A	Dividend	K	T					
65. Energy Select Sector SPDR	A	Dividend	K	T					
66. Healthcare SS Spdr Fd	A	Dividend	K	T					
67. Materials SS Spdr Fd	A	Dividend	K	T					
68. Schwab NY Tax Ex Money Sweep Shares	A	Dividend	J	T					

1. Income Gain Codes: (See Columns B1 and D4)	A =$1,000 or less	B =$1,001 - $2,500	C =$2,501 - $5,000	D =$5,001 - $15,000	E =$15,001 - $50,000
	F =$50,001 - $100,000	G =$100,001 - $1,000,000	H1 =$1,000,001 - $5,000,000	H2 =More than $5,000,000	
2. Value Codes (See Columns C1 and D3)	J =$15,000 or less	K =$15,001 - $50,000	L =$50,001 - $100,000	M =$100,001 - $250,000	
	N =$250,001 - $500,000	O =$500,001 - $1,000,000	P1 =$1,000,001 - $5,000,000	P2 =$5,000,001 - $25,000,000	
	P3 =$25,000,001 - $50,000,000		P4 =More than $50,000,000		
3. Value Method Codes (See Column C2)	Q =Appraisal	R =Cost (Real Estate Only)	S =Assessment	T =Cash Market	
	U =Book Value	V =Other	W =Estimated		

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

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

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
Place "(X)" after each asset exempt from prior disclosure	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
69. Select Sector Spdr Amex Industrial	A	Dividend	K	T					
70. Select Sector Spdr Financial	A	Dividend	K	T					
71. Select Sector SPDR Technology	A	Dividend	K	T					
72. Utilities Sel Spdr	A	Dividend	K	T					
73. Brokerage #4									
74. Acadian Emerging Markets	B	Dividend	M	T					
75. Causeway International Value Fund Invest	A	Dividend	L	T					
76. Elmira County NY School District	A	Dividend							
77. GRT Value Fund Advisor Class	A	Dividend	L	T					
78. iShares Tr MSCI EAFE Index Fd	D	Dividend	N	T					
79. iShares Tr S&P 400 BARRA Midcap Value	C	Dividend	M	T					
80. iShares Tr S&P 600 BARRA Small Cap Growth	A	Dividend	L	T					
81. MFS Emerging Markets Debt Fund Class I	C	Dividend	L	T					
82. Microsoft Corp Com	B	Dividend							
83. Pfizer Inc	A	Dividend							
84. PIMCO Funds Total Return Fund Instl #35	C	Dividend	L	T					
85. Prudential Jennison Natural Resources Cl A	C	Dividend							

1. Income Gain Codes: (See Columns B1 and D4)	A =$1,000 or less F =$50,001 - $100,000	B =$1,001 - $2,500 G =$100,001 - $1,000,000	C =$2,501 - $5,000 H1 =$1,000,001 - $5,000,000	D =$5,001 - $15,000 H2 =More than $5,000,000	E =$15,001 - $50,000
2. Value Codes (See Columns C1 and D3)	J =$15,000 or less N =$250,001 - $500,000 P3 =$25,000,001 - $50,000,000	K =$15,001 - $50,000 O =$500,001 - $1,000,000	L =$50,001 - $100,000 P1 =$1,000,001 - $5,000,000 P4 =More than $50,000,000	M =$100,001 - $250,000 P2 =$5,000,001 - $25,000,000	
3. Value Method Codes (See Column C2)	Q =Appraisal U =Book Value	R =Cost (Real Estate Only) V =Other	S =Assessment W =Estimated	T =Cash Market	

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

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

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
Place "(X)" after each asset exempt from prior disclosure	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
86. Schwab NY Tax Ex Money Sweep Shares	A	Dividend	N	T					
87. Wisdomtree Large Cap Dividend	E	Dividend	O	T					
88. Berkshire Hathaway Inc Del B		None	L	T					
89. Berkshire Hathaway Inc Del Cl A		None	P1	T					
90. Ivy Global Natural Resources Fund Cl Y		None	M	T					
91. Landmark Value Strategies QP		None	J	W					
92. Prudential Jennison Natural Resources Fund Cl Z		None	N	T					
93. 401(k) #1									
94. Acadian Emerging Markets	C	Dividend	M	T					
95. Brandes Inst Intl Equity Fund	C	Dividend	J	T					
96. ING Senior Income Fund Cl W	D	Dividend	N	T					
97. UTMA #1									
98. Eaton Vance Structured Emerging Markets A	A	Dividend	J	T					
99. ING Senior Income Cl A	A	Dividend	J	T					
100. iShares Tr MSCI EAGE Index Fd	A	Dividend	K	T					
101. Loomis Sayles Global Bond Instl	A	Dividend	J	T					
102. Wisdomtree Large Cap Dividend	A	Dividend	J	T					

1. Income Gain Codes: (See Columns B1 and D4)	A =$1,000 or less	B =$1,001 - $2,500	C =$2,501 - $5,000	D =$5,001 - $15,000	E =$15,001 - $50,000
	F =$50,001 - $100,000	G =$100,001 - $1,000,000	H1 =$1,000,001 - $5,000,000	H2 =More than $5,000,000	
2. Value Codes (See Columns C1 and D3)	J =$15,000 or less	K =$15,001 - $50,000	L =$50,001 - $100,000	M =$100,001 - $250,000	
	N =$250,001 - $500,000	O =$500,001 - $1,000,000	P1 =$1,000,001 - $5,000,000	P2 =$5,000,001 - $25,000,000	
	P3 =$25,000,001 - $50,000,000		P4 =More than $50,000,000		
3. Value Method Codes (See Column C2)	Q =Appraisal	R =Cost (Real Estate Only)	S =Assessment	T =Cash Market	
	U =Book Value	V =Other	W =Estimated		

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

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

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
Place "(X)" after each asset exempt from prior disclosure	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
103. WisdomTree MidCap Dividend	A	Dividend	J	T					
104. Ivy Global Natural Resources Fund Cl Y		None	J	T					
105. UTMA #2									
106. Eaton Vance Structured Emerging Markets A	A	Dividend	J	T					
107. ING Senior Income Cl A	A	Dividend	J	T					
108. ING Senior Income Fund Cl Q	A	Dividend							
109. iShares Tr MSCI EAFE Index Fd	A	Dividend	J	T					
110. Loomis Sayles Global Bond Instl	A	Dividend	J	T					
111. Wisdomtree Large Cap Dividend	A	Dividend	J	T					
112. WisdomTree MidCap Dividend	A	Dividend	J	T					
113. Berkshire Hathaway Inc Del B		None	K	T					
114. Ivy Global Natural Resources Fund Cl Y		None	J	T					
115. UTMA #3									
116. Eaton Vance Structured Emerging Markets A	A	Dividend	J	T					
117. ING Senior Income Cl A	A	Dividend	J	T					
118. iShares Tr MSCI EGE Index Fd	A	Dividend	K	T					
119. Loomis Sayles Global Bond Instl	A	Dividend	J	T					

1. Income Gain Codes: (See Columns B1 and D4)	A =$1,000 or less	B =$1,001 - $2,500	C =$2,501 - $5,000	D =$5,001 - $15,000	E =$15,001 - $50,000
	F =$50,001 - $100,000	G =$100,001 - $1,000,000	H1 =$1,000,001 - $5,000,000	H2 =More than $5,000,000	
2. Value Codes (See Columns C1 and D3)	J =$15,000 or less	K =$15,001 - $50,000	L =$50,001 - $100,000	M =$100,001 - $250,000	
	N =$250,001 - $500,000	O =$500,001 - $1,000,000	P1 =$1,000,001 - $5,000,000	P2 =$5,000,001 - $25,000,000	
	P3 =$25,000,001 - $50,000,000		P4 =More than $50,000,000		
3. Value Method Codes (See Column C2)	Q =Appraisal	R =Cost (Real Estate Only)	S =Assessment	T =Cash Market	
	U =Book Value	V =Other	W =Estimated		

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

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

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
Place "(X)" after each asset exempt from prior disclosure	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
120. Wisdomtree Large Cap Dividend	A	Dividend	J	T					
121. WisdomTree MidCap Dividend	A	Dividend	J	T					
122. Ivy Global Natural Resources Fund Cl Y		None	J	T					
123. UTMA #4									
124. Eaton Vance Structured Emerging Markets A	A	Dividend	J	T					
125. ING Senior Income Cl A	A	Dividend	J	T					
126. iShares Tr MSCI EAFE Index Fd	A	Dividend	J	T					
127. Loomis Sayles Global Bond Instl	A	Dividend	J	T					
128. Wisdomtree Large Cap Dividend	A	Dividend	J	T					
129. WisdomTree MidCap Dividend	A	Dividend	J	T					
130. Berkshire Hathaway Inc Del B		None	K	T					
131. Ivy Global Natural Resources Fund Cl Y		None	J	T					
132. 529 Plan #1									
133. New York Saves Bond Market Index Portfolio		None	K	T					
134. New York Saves Growth Stock Index Portfolio		None	K	T					
135. New York Saves Mid Cap Stock Index Portfolio		None	J	T					
136. New York Saves Small Cap Stock Index Portfolio		None	J	T					

1. Income Gain Codes: (See Columns B1 and D4)	A =$1,000 or less	B =$1,001 - $2,500	C =$2,501 - $5,000	D =$5,001 - $15,000	E =$15,001 - $50,000
	F =$50,001 - $100,000	G =$100,001 - $1,000,000	H1 =$1,000,001 - $5,000,000	H2 =More than $5,000,000	
2. Value Codes (See Columns C1 and D3)	J =$15,000 or less	K =$15,001 - $50,000	L =$50,001 - $100,000	M =$100,001 - $250,000	
	N =$250,001 - $500,000	O =$500,001 - $1,000,000	P1 =$1,000,001 - $5,000,000	P2 $5,000,001 - $25,000,000	
	P3 =$25,000,001 - $50,000,000		P4 =More than $50,000,000		
3. Value Method Codes (See Column C2)	Q =Appraisal	R =Cost (Real Estate Only)	S =Assessment	T =Cash Market	
	U =Book Value	V =Other	W =Estimated		

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

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

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period (1) Amount Code 1 (A-H)	B. (2) Type (e.g., div., rent, or int.)	C. Gross value at end of reporting period (1) Value Code 2 (J-P)	C. (2) Value Method Code 3 (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption)	D. (2) Date mm/dd/yy	D. (3) Value Code 2 (J-P)	D. (4) Gain Code 1 (A-H)	D. (5) Identity of buyer/seller (if private transaction)
137. New York Saves Value Stock Index Portfolio		None	K	T					
138. 529 Plan #2									
139. New York Saves Developed Markets Income Portfolio		None	L	T					
140. New York Saves Interest Accumulation Portfolio		None	J	T					
141. New York Saves Mid Cap Stock Index Portfolio		None	K	T					
142. New York Saves Growth Stock Index Portfolio		None	J	T					
143. New York Saves Inflation Protected Portfolio		None	L	T					
144. New York Saves Value Stock Index Portfolio		None	K	T					
145. 529 Plan #3									
146. New York Saves Developed Markets Income Portfolio		None	K	T					
147. New York Saves Mid Cap Stock Index Portfolio		None	J	T					
148. New York Saves Inflation Protected Portfolio		None	L	T					
149. New York Saves Small Cap Stock Index Portfolio		None	J	T					
150. 529 Plan #4									
151. New York Saves Bond Market Index Portfolio		None	J	T					
152. New York Saves Developed Markets Income Portfolio		None	J	T					
153. New York Saves Growth Stock Index Portfolio		None	K	T					

1. Income Gain Codes: (See Columns B1 and D4) A =$1,000 or less; B =$1,001 - $2,500; C =$2,501 - $5,000; D =$5,001 - $15,000; E =$15,001 - $50,000; F =$50,001 - $100,000; G =$100,001 - $1,000,000; H1 =$1,000,001 - $5,000,000; H2 =More than $5,000,000
2. Value Codes: (See Columns C1 and D3) J =$15,000 or less; K =$15,001 - $50,000; L =$50,001 - $100,000; M =$100,001 - $250,000; N =$250,001 - $500,000; O =$500,001 - $1,000,000; P1 =$1,000,001 - $5,000,000; P2 =$5,000,001 - $25,000,000; P3 =$25,000,001 - $50,000,000; P4 =More than $50,000,000
3. Value Method Codes: (See Column C2) Q =Appraisal; R =Cost (Real Estate Only); S =Assessment; T =Cash Market; U =Book Value; V =Other; W =Estimated

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

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

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
Place "(X)" after each asset exempt from prior disclosure	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
154. New York Saves Mid Cap Stock Index Portfolio		None	K	T					
155. New York Saves Inflation Protected Portfolio		None	J	T					
156. New York Saves Small Cap Stock Index Portfolio		None	K	T					
157. New York Saves Value Stock Index Portfolio		None	K	T					
158. Brokerage #5									
159. BHP Billiton Limited (BHP)		None	J	T					
160. Fidelity Select Energy Fund		None	J	T					
161. Fidelity Select Energy Service		None	J	T					
162. General Electric (GE)		None	J	T					
163. Travelers Cos Inc Com (TRV)		None	J	T					
164. United Parcel SVC Inc Cl B (UPS)		None	J	T					
165. IRA #4		None	M	T					
166. - Vanguard Value Index Fund Admiral Shares									
167. - Vanguard Wellington Fund Admiral Shares									
168. - Vanguard Extended Market Index Fund Admiral Shares									
169. IRA #5		None	L	T					
170. - Fidelity Cash Reserves									

1. Income Gain Codes: (See Columns B1 and D4)	A =$1,000 or less	B =$1,001 - $2,500	C =$2,501 - $5,000	D =$5,001 - $15,000	E =$15,001 - $50,000
	F =$50,001 - $100,000	G =$100,001 - $1,000,000	H1 =$1,000,001 - $5,000,000	H2 =More than $5,000,000	
2. Value Codes (See Columns C1 and D3)	J =$15,000 or less	K =$15,001 - $50,000	L =$50,001 - $100,000	M =$100,001 - $250,000	
	N =$250,001 - $500,000	O =$500,001 - $1,000,000	P1 =$1,000,001 - $5,000,000	P2 =$5,000,001 - $25,000,000	
	P3 =$25,000,001 - $50,000,000		P4 =More than $50,000,000		
3. Value Method Codes (See Column C2)	Q =Appraisal	R =Cost (Real Estate Only)	S =Assessment	T =Cash Market	
	U =Book Value	V =Other	W =Estimated		

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

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

A. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
Place "(X)" after each asset exempt from prior disclosure	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
171. - Fidelity Contrafund									
172. - Fidelity Growth & Income									
173. - Fidelity Select Defense & Aerospace									
174. WCPHD Defined Benefits Plan		None	N	W					
175. Teachers Retirement System of NY 403(b) #1									
176. Diversified Equity		None	M	T					
177. Stable Value		None	L	T					
178. International Equity		None	L	T					
179. Inflation Protection		None	L	T					
180. Citigroup Checking Account		None	L	T					
181. Chase Checking Account		None	J	T					
182. Westchester County Real Estate Parcel #1		None	L	W					
183. Westchester County Real Estate Parcel #2		None	L	W					
184.									

1. Income Gain Codes: (See Columns B1 and D4)	A =$1,000 or less	B =$1,001 - $2,500	C =$2,501 - $5,000	D =$5,001 - $15,000	E =$15,001 - $50,000
	F =$50,001 - $100,000	G =$100,001 - $1,000,000	H1 =$1,000,001 - $5,000,000	H2 =More than $5,000,000	
2. Value Codes (See Columns C1 and D3)	J =$15,000 or less	K =$15,001 - $50,000	L =$50,001 - $100,000	M =$100,001 - $250,000	
	N =$250,001 - $500,000	O $500,001 - $1,000,000	P1 =$1,000,001 - $5,000,000	P2 =$5,000,001 - $25,000,000	
	P3 =$25,000,001 - $50,000,000		P4 =More than $50,000,000		
3. Value Method Codes (See Column C2)	Q =Appraisal	R =Cost (Real Estate Only)	S =Assessment	T =Cash Market	
	U =Book Value	V =Other	W =Estimated		

Name of Person Reporting	Date of Report
Engelmayer, Paul A.	02/03/2011

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

Name of Person Reporting	Date of Report
Engelmayer, Paul A.	02/03/2011

IX. CERTIFICATION.

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

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

Signature Paul A. Engelmayer

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

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

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

Paul Engelmayer

FINANCIAL STATEMENT

NET WORTH

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

ASSETS				LIABILITIES			
Cash on hand and in banks		106	672	Notes payable to banks-secured			
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule	10	266	649	Notes payable to relatives			
Unlisted securities – see schedule		769	541	Notes payable to others			
Accounts and notes receivable:				Accounts and bills due		128	000
Due from relatives and friends				Unpaid income tax			
Due from others		692	000	Other unpaid income and interest			
Doubtful				Real estate mortgages payable – personal residence		7	142
Real estate owned – see schedule	4	925	608	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		15	000				
Cash value-life insurance							
Other assets itemize:							
- WilmerHale Capital Account		744	850				
- WilmerHale Defined Benefit Account		334	334				
- New York State 529 College Savings Plans – see schedule		516	868	Total liabilities		285	142
				Net Worth	18	086	380
Total Assets	18	371	522	Total liabilities and net worth	18	371	522
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor on leases or contracts				Are any assets pledged? (Add schedule)	NO		
Legal Claims				Are you defendant in any suits or legal actions?	NO		
Provision for Federal Income Tax		150	000	Have you ever taken bankruptcy?	NO		
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

Acadian Emerging Markets	$	335,100
Berkshire Hathaway Inc Del B	$	326,158
Berkshire Hathaway Inc Del Cl A	$	4,904,960
Brandes Inst Intl Equity Fund	$	14,529
Causeway International Value Fund Invest	$	56,958
Consumer Stap spdr	$	23,619
Consumers Dis SS Spdr	$	23,299
Deutsche Bank AG London 307 US CMS	$	57,690
Eaton Vance Structured Emerging Markets A	$	23,256
Eaton Vance Structured Emerging Markets I	$	331,567
Energy Select Sector SPDR	$	24,604
GNMA II 000644	$	76
GRT Value Fund Advisor Class	$	60,770
Healthcare SS Spdr Fd	$	23,328
ING Senior Income Cl A	$	70,703
ING Senior Income Fund Cl W	$	442,671
iShares Tr MSCI EAFE Index Fd	$	312,662
iShares Tr S&P 400 BARRA Midcap Growth	$	6,772
iShares Tr S&P 400 BARRA Midcap Value	$	114,411
iShares Tr S&P 600 BARRA Small Cap Growth	$	100,430
Ivy Asset Strategy Fund Class A	$	43,670
Ivy Global Natural Resources Fund Cl Y	$	470,671
Loomis Sayles Global Bond Instl	$	21,530
Loomis Sayles Strategic Income A	$	11,541
Materials SS Spdr Fd	$	23,329
MFS Emerging Markets Debt Fund Class I	$	110,426
PIMCO Funds Total Return Fund Instl #35	$	63,174
Prudential Jennison Natural Resources Fund Cl Z	$	388,178
Schwab NY Tax Ex Money Sweep Shares	$	483,952
Schwab Tax Exempt Money Fund	$	5,813
Select Sector Spdr Amex Industrial	$	24,042
Select Sector Spdr Financial	$	23,709
Select Sector SPDR Technology	$	23,738
T. Rowe Price Emerging Market Bond Fund	$	10,276
Templeton Global Bond Fund Cl A	$	4,505
Utilities Sel Spdr	$	23,706
Wisdomtree Large Cap Dividend	$	605,623
WisdomTree MidCap Dividend	$	11,076
Fidelity Cash Reserves	$	2,016
Fidelity Contrafund	$	71,584
Fidelity Growth & Income	$	6,367
Fidelity Select Defense & Aerospace	$	13,773

BHP Billiton Limited	$	8,817
Citigroup	$	950
Fidelity Select Energy	$	10,597
Fidelity Select Energy Service	$	3,627
General Electric Co	$	4,034
AT&T Inc Com	$	371
Travelers Cos Inc Com	$	2,420
United Parcel SVC Inc Cl B	$	7,073
Vanguard Value Index Fund Admiral Shares	$	14,567
Vanguard Wellington Fund Admiral Shares	$	174,666
Vanguard Extended Market Index Fund Admiral Shares	$	45,684
Teacher's Retirement System of NY Diversified Equity Fund	$	121,339
Teacher's Retirement System of NY Stable Value Fund	$	57,109
Teacher's Retirement System of NY International Equity Fund	$	61,440
Teacher's Retirement System of NY Inflation Protection Fund	$	57,695
Total Listed Securities	$	10,266,649

<u>Unlisted Securities</u>

Aria Consumer Fund	$	355,490
ING European Bank Loan	$	206,661
JLP Credit Opportunity Fund	$	180,454
Landmark Value Strategies QP	$	26,936
Total Unlisted Securities	$	769,541

<u>Real Estate Owned</u>

Personal residence	$	3,500,000
Secondary residence	$	499,932
Vacation home	$	750,000
Undeveloped land #1	$	82,489
Undeveloped land #2	$	93,187
Total Real Estate Owned	$	4,925,608

<u>New York State 529 College Savings Plans</u>

New York Saves Bond Market Index Portfolio	$	24,142
New York Saves Developed Markets Income Portfolio	$	96,315
New York Saves Growth Stock Index Portfolio	$	69,381
New York Saves Interest Accumulation Portfolio	$	8,316
New York Saves Mid Cap Stock Index Portfolio	$	60,098
New York Saves Growth Stock Index Portfolio	$	8,400
New York Saves Inflation Protected Portfolio	$	128,702
New York Saves Small Cap Stock Index Portfolio	$	34,866
New York Saves Value Stock Index Portfolio	$	86,648
Total New York State 529 College Savings Plans	$	516,868

AFFIDAVIT

I, **PAUL ADAM ENGELMAYER**, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

February 1, 2011
(DATE)

Paul A. Engelmayer
(NAME)

Susan D'Alessandro
(NOTARY)

SUSAN A. DALESSANDRO
NOTARY PUBLIC, State of New York
No. 01DA4954998
Qualified in Richmond County
Commission Expires Aug. 21, 2013